COUR INTERNATIONALE DE JUSTICE

RECUEIL DES ARRÊTS,
AVIS CONSULTATIFS ET ORDONNANCES

INDEX

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REPORTS OF JUDGMENTS,
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[1] Les chiffres en italique indiquent des références au texte d'opinions individuelles ou dissidentes et de déclarations.

[2] Les renvois marqués d'un astérisque (*) visent les traités, conventions et déclarations énumérés à l'annexe 1.

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[1] La présente liste est établie sur la seule base des références contenues dans le texte de la langue originale. Pour celles pouvant concerner plus spécifiquement la traduction vers l'autre langue, il convient, au besoin, de se reporter à la page correspondante.

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[1] Italicized page numbers are references to the text of separate or dissenting opinions or declarations.

[2] Cross-references marked with an asterisk (*) are references to treaties, conventions and declarations listed in Annex 1.

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See also *Boundary(ies); Decisions of the International Court of Justice; Defect(s); Evidence; International Court of Justice; Territory.*

INTERNATIONAL COURT OF JUSTICE

Yearbook
2002-2003

No. 57

I.C.J. - THE HAGUE - 2003

YEARBOOK

2002-2003

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In March 1947 the International Court of Justice instructed the Registrar to publish a *Yearbook* providing general information concerning its organization, jurisdiction, activities and administration.

The present volume — fifty-seventh of the series — covers the period from 1 August 2002 to 31 July 2003.

The *Yearbook* is prepared by the Registry and in no way involves the responsibility of the Court; in particular, the summaries of judgments, advisory opinions and orders contained in Chapter VI cannot be quoted against the actual texts of those judgments, advisory opinions and orders and do not constitute an interpretation of them.

Philippe COUVREUR,
Registrar of the Court.

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INTRODUCTION

The *International Court of Justice*, which has its seat in The Hague, is the principal judicial organ of the United Nations.

It had as its predecessor the *Permanent Court of International Justice*, which was instituted by the League of Nations in 1920 and was dissolved in 1946.

I. Basic Texts

The constitutional texts of the Court are the Charter of the United Nations and the Statute of the Court. Other basic texts are the Rules of Court and the Practice Directions supplementing them, as well as the resolution concerning the internal judicial practice of the Court.

1. Charter of the United Nations

The International Court of Justice was brought into being by the Charter of the United Nations, signed at San Francisco on 26 June 1945. The Charter deals with the Court in Article 7, paragraph 1, Article 36, paragraph 3, and Articles 92-96, which form Chapter XIV.

2. Statute of the International Court of Justice

(a) *Text of the Statute*

By virtue of Article 92 of the Charter of the United Nations, the Statute of the Court is annexed to the Charter, of which it forms an integral part. The text of the Statute, which also was signed at San Francisco on 26 June 1945, is published by the Court in the volume *I.C.J. Acts and Documents No. 5*, pages 60-89.

The above-mentioned Article indicates that the Statute is based upon that of the *Permanent Court of International Justice*. The modifications are few in number, most of them being formal adaptations designed to take account of the replacement of the League of Nations by the United Nations. The *I.C.J. Yearbook 1946-1947*, pages 101-102, gives a list of the articles modified.

(b) *States parties to the Statute*

Article 93 of the Charter provides:

> "1. All Members of the United Nations are *ipso facto* parties to the Statute of the International Court of Justice.
>
> 2. A State which is not a Member of the United Nations may

> become a party to the Statute of the International Court of Justice on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council."

The States parties to the Statute are listed in Chapter III, pages 107-113, of this *Yearbook*.

(c) *Amendments to the Statute*

According to Article 69 of the Statute, amendments to that instrument may be effected by the same procedure as is provided for amendments to the Charter. This procedure is set out in Chapter XVIII of the Charter (Arts. 108-109). Article 108 provides that amendments to the Charter "shall come into force for all Members of the United Nations when they have been adopted by a vote of two-thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two-thirds of the Members of the United Nations, including all the permanent members of the Security Council".

Article 69 of the Statute also specifies that provisions concerning the participation in the amendment procedure of States which are parties to the Statute but are not members of the United Nations may be adopted by the General Assembly upon recommendation of the Security Council (see Chap. III, pp. 112-113, below).

Furthermore, Article 70 of the Statute empowers the Court to propose of its own accord such amendments to the Statute as it may deem necessary.

No amendments have so far been made to the Statute.

3. *Rules of Court*

Article 30 of the Statute provides that "the Court shall frame rules for carrying out its functions. In particular, it shall lay down rules of procedure."

Rules of Court were adopted on 6 May 1946, and were published by the Court in the volume *I.C.J. Acts and Documents No. 1*, second edition, pages 54-83. They were based on the latest text of the Rules of the *Permanent Court*, that of 11 March 1936, with certain changes, formal and substantive, a list of which was given in *I.C.J. Yearbook 1946-1947*, pages 102-103.

From 1946 to 1972 the Rules remained unchanged, although from time to time the Court, which keeps its procedure under constant review, considered their modification. In 1967 a revision was undertaken (see *I.C.J. Yearbook 1967-1968*, p. 87; *I.C.J. Yearbook 1969-1970*, p. 114; *I.C.J. Yearbook 1970-1971*, pp. 109-110) and on 10 May 1972 the Court adopted some partial amendments of immediate interest. Amended and partly renumbered Rules of Court (see *I.C.J. Acts and Documents No. 3*, pp. 92-149) thus came into force on 1 September 1972. A Note by the Registry (*Background Note IV*, or see *I.C.J. Yearbook 1971-1972*, pp. 3-11) indicates the changes and gives a table of concordance between the 1946 Rules and those of 1972.

The work of revision was subsequently resumed, and culminated on 14 April 1978 in the adoption of a new set of Rules. These Rules of Court came into force on 1 July 1978 and as from that date replaced the 1972 amended version of those adopted in 1946. They were first published in *I.C.J. Acts and Documents No. 4* concurrently with the issue of *I.C.J. Background Note V*, entitled "Note by the Registry on the Revised Rules of Court (1978)", which includes a table of concordance as between the respective articles of the new set and its predecessor. For a rather more detailed account of the background the reader is referred to pages 111-119 of *I.C.J. Yearbook 1977-1978*, which feature an analytical table enabling the structure of the new set of Rules to be compared with that of the 1946 and 1972 sets, and a table of concordance as between the specific articles of the 1978, 1972 and 1946 Rules of Court. The publication containing the 1978 Rules of Court is *I.C.J. Acts and Documents No. 5* (pp. 91-161).

On 5 December 2000 the Court adopted amendments to two Articles of its 1978 Rules: Article 79, relating to preliminary objections, and Article 80, relating to counter-claims. The amendments aimed at countering the proliferation of, and shortening, incidental proceedings, at clarifying the rules in force and at adapting them to affect more closely the practice developed by the Court. They came into force on 1 February 2001. The Rules adopted on 14 April 1978 continue to apply to all cases submitted to the Court prior to 1 February 2001, and to all phases of those cases.

The text of the Rules of Court as amended has been printed and a *Note by the Registry Indicating the Rules of Court (1978) Amended on 5 December 2000 (Background Note VII)* has been published. It is reproduced in *I.C.J. Yearbook 2000-2001* (pp. 3-4.)

In October 2001 the Court decided to adopt Practice Directions for use by the States appearing before it. These Practice Directions involve no alteration to the Rules of Court, but are additional thereto. Practice Directions VII and VIII do not affect a choice or designation made by the parties prior to 7 February 2002, the date of the adoption by the Court of those Directions. The text of the Practice Directions is reproduced in *I.C.J. Yearbook 2001-2002* (pp. 3-5).

II. CHRONOLOGICAL SURVEY

The Charter of the United Nations and the Statute of the Court entered into force on 24 October 1945.

After the election of its Members, on 6 February 1946, the Court met for the first time in The Hague on 1 April of the same year.

The first case entered in the General List of the Court (*Corfu Channel (United Kingdom* v. *Albania)*) was submitted on 22 May 1947.

Between then and 31 July 2003 the Court has had to deal with a total of 130 cases, i.e., 107 contentious cases and 23 advisory cases, as listed below. In those cases it gave 77 judgments, of which 46 were on the merits, and 24 advisory opinions. Of the 413 orders made therein, 297 related solely to the fixing or extending of time-limits, while 380 orders related to contentious cases and 33 to advisory cases.

Title	*Dates*
(*a*) Contentious[1]	
Corfu Channel (*United Kingdom* v. *Albania*)	1947-1949
Fisheries (*United Kingdom* v. *Norway*)	1949-1951
Protection of French Nationals and Protected Persons in Egypt (*France* v. *Egypt*)	1949-1950
Asylum (*Colombia/Peru*)	1949-1950
Rights of Nationals of the United States of America in Morocco (*France* v. *United States of America*)	1950-1952
Request for Interpretation of the Judgment of 20 November 1950 in the Asylum case (*Colombia* v. *Peru*)	1950
Haya de la Torre (*Colombia* v. *Peru*)	1950-1951
Ambatielos (*Greece* v. *United Kingdom*)	1951-1953
Anglo-Iranian Oil Co. (*United Kingdom* v. *Iran*)	1951-1952
Minquiers and Ecrehos (*France/United Kingdom*)	1951-1953
Nottebohm (*Liechtenstein* v. *Guatemala*)	1951-1955
Monetary Gold Removed from Rome in 1943 (*Italy* v. *France, United Kingdom and United States of America*)	1953-1954
Electricité de Beyrouth Company (*France* v. *Lebanon*)	1953-1954
Treatment in Hungary of Aircraft and Crew of United States of America (*United States of America* v. *Hungary*)	1954
Treatment in Hungary of Aircraft and Crew of United States of America (*United States of America* v. *USSR*)	1954
Aerial Incident of 10 March 1953 (*United States of America* v. *Czechoslovakia*)	1955-1956
Antarctica (*United Kingdom* v. *Argentina*)	1955-1956
Antarctica (*United Kingdom* v. *Chile*)	1955-1956
Aerial Incident of 7 October 1952 (*United States of America* v. *USSR*)	1955-1956
Certain Norwegian Loans (*France* v. *Norway*)	1955-1957
Right of Passage over Indian Territory (*Portugal* v. *India*)	1955-1960

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[1] In the case of proceedings instituted by means of a special agreement the names of the parties are separated by an oblique stroke.

Title	*Dates*
Application of the Convention of 1902 Governing the Guardianship of Infants (*Netherlands* v. *Sweden*)	1957-1958
Interhandel (*Switzerland* v. *United States of America*)	1957-1959
Aerial Incident of 27 July 1955 (*Israel* v. *Bulgaria*)	1957-1959
Aerial Incident of 27 July 1955 (*United States of America* v. *Bulgaria*)	1957-1960
Aerial Incident of 27 July 1955 (*United Kingdom* v. *Bulgaria*)	1957-1959
Sovereignty over Certain Frontier Land (*Belgium*/*Netherlands*)	1957-1959
Arbitral Award Made by the King of Spain on 23 December 1906 (*Honduras* v. *Nicaragua*)	1958-1960
Aerial Incident of 4 September 1954 (*United States of America* v. *USSR*)	1958
Barcelona Traction, Light and Power Company, Limited (*Belgium* v. *Spain*)	1958-1961
Compagnie du Port, des Quais et des Entrepôts de Beyrouth and Société Radio-Orient (*France* v. *Lebanon*)	1959-1960
Aerial Incident of 7 November 1954 (*United States of America* v. *USSR*)	1959
Temple of Preah Vihear (*Cambodia* v. *Thailand*)	1959-1962
South West Africa (*Ethiopia* v. *South Africa; Liberia* v. *South Africa*)	1960-1966
Northern Cameroons (*Cameroon* v. *United Kingdom*)	1961-1963
Barcelona Traction, Light and Power Company, Limited (*New Application: 1962*) (*Belgium* v. *Spain*)	1962-1970
North Sea Continental Shelf (*Federal Republic of Germany*/*Denmark; Federal Republic of Germany*/*Netherlands*)	1967-1969
Appeal Relating to the Jurisdiction of the ICAO Council (*India* v. *Pakistan*)	1971-1972
Fisheries Jurisdiction (*United Kingdom* v. *Iceland*)	1972-1974
Fisheries Jurisdiction (*Federal Republic of Germany* v. *Iceland*)	1972-1974
Nuclear Tests (*Australia* v. *France*)	1973-1974
Nuclear Tests (*New Zealand* v. *France*)	1973-1974
Trial of Pakistani Prisoners of War (*Pakistan* v. *India*)	1973
Aegean Sea Continental Shelf (*Greece* v. *Turkey*)	1976-1978
Continental Shelf (*Tunisia*/*Libyan Arab Jamahiriya*)	1978-1982
United States Diplomatic and Consular Staff in Tehran (*United States of America* v. *Iran*)	1979-1981
Delimitation of the Maritime Boundary in the Gulf of Maine Area (*Canada*/*United States of America*) [case referred to a Chamber]	1981-1984

Title	*Dates*
Continental Shelf (*Libyan Arab Jamahiriya/Malta*)	1982-1985
Frontier Dispute (*Burkina Faso/Republic of Mali*) [case referred to a Chamber]	1983-1986
Military and Paramilitary Activities in and against Nicaragua (*Nicaragua* v. *United States of America*)	1984-1991
Application for Revision and Interpretation of the Judgment of 24 February 1982 in the Case concerning the Continental Shelf (Tunisia/Libyan Arab Jamahiriya) (*Tunisia* v. *Libyan Arab Jamahiriya*)	1984-1985
Border and Transborder Armed Actions (*Nicaragua* v. *Costa Rica*)	1986-1987
Border and Transborder Armed Actions (*Nicaragua* v. *Honduras*)	1986-1992
Land, Island and Maritime Frontier Dispute (*El Salvador/Honduras: Nicaragua intervening*) [case referred to a Chamber][1]	1986-1992
Elettronica Sicula S.p.A. (*ELSI*) (*United States of America* v. *Italy*) [case referred to a Chamber]	1987-1989
Maritime Delimitation in the Area between Greenland and Jan Mayen (*Denmark* v. *Norway*)	1988-1993
Aerial Incident of 3 July 1988 (*Islamic Republic of Iran* v. *United States of America*)	1989-1996
Certain Phosphate Lands in Nauru (*Nauru* v. *Australia*)	1989-1993
Arbitral Award of 31 July 1989 (*Guinea-Bissau* v. *Senegal*)	1989-1991
Territorial Dispute (*Libyan Arab Jamahiriya/Chad*)	1990-1994
East Timor (*Portugal* v. *Australia*)	1991-1995
Maritime Delimitation between Guinea-Bissau and Senegal (*Guinea-Bissau* v. *Senegal*)	1991-1995
Passage through the Great Belt (*Finland* v. *Denmark*)	1991-1992
Maritime Delimitation and Territorial Questions between Qatar and Bahrain (*Qatar* v. *Bahrain*)	1991-2001
Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (*Libyan Arab Jamahiriya* v. *United Kingdom*)	1992-
Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (*Libyan Arab Jamahiriya* v. *United States of America*)	1992-
Oil Platforms (*Islamic Republic of Iran* v. *United States of America*)	1992-

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[1] The intervention of Nicaragua was admitted on 13 September 1990 (see *I.C.J. Yearbook 1990-1991*, pp. 160-174).

Title	*Dates*
Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. *Serbia and Montenegro*[1]*)*	1993-
Gabčikovo-Nagymaros Project (Hungary/Slovakia)	1993-
Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. *Nigeria: Equatorial Guinea intervening)*[2]	1994-2002
Fisheries Jurisdiction (Spain v. *Canada)*	1995-1998
Request for an Examination of the Situation in Accordance with Paragraph 63 of the Court's Judgment of 20 December 1974 in the Nuclear Tests (New Zealand v. France) *Case*	1995
Kasikili/Sedudu Island (Botswana/Namibia)	1996-1999
Vienna Convention on Consular Relations (Paraguay v. *United States of America)*	1998
Request for Interpretation of the Judgment of 11 June 1998 in the Case concerning the Land and Maritime Boundary between Cameroon and Nigeria (Cameroon *v.* Nigeria), Preliminary Objections *(Nigeria* v. *Cameroon)*	1998-1999
Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia)	1998-2002
Ahmadou Sadio Diallo (Republic of Guinea v. *Democratic Republic of the Congo)*	1998-
LaGrand (Germany v. *United States of America)*	1999-2001
Legality of Use of Force (Serbia and Montenegro[1] v. *Belgium)*	1999-
Legality of Use of Force (Serbia and Montenegro[1] v. *Canada)*	1999-
Legality of Use of Force (Serbia and Montenegro[1] v. *France)*	1999-
Legality of Use of Force (Serbia and Montenegro[1] v. *Germany)*	1999-
Legality of Use of Force (Serbia and Montenegro[1] v. *Italy)*	1999-
Legality of Use of Force (Serbia and Montenegro[1] v. *Netherlands)*	1999-
Legality of Use of Force (Serbia and Montenegro[1] v. *Portugal)*	1999-
Legality of Use of Force (Yugoslavia v. *Spain)*	1999
Legality of Use of Force (Serbia and Montenegro[1] v. *United Kingdom)*	1999-
Legality of Use of Force (Yugoslavia v. *United States of America)*	1999
Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. *Burundi)*	1999-2001

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[1] See footnote 1, p. 110, below.

[2] The intervention of Equatorial Guinea was admitted on 21 October 1999 (see *I.C.J. Yearbook 1999-2000*, p. 218).

Title	*Dates*
Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. *Uganda)*	1999-
Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. *Rwanda)*	1999-2001
Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. *Serbia and Montenegro*[1]*)*	1999-
Aerial Incident of 10 August 1999 (Pakistan v. *India)*	1999-2000
Maritime Delimitation between Nicaragua and Honduras in the Caribbean Sea (Nicaragua v. *Honduras)*	1999-
Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. *Belgium)*	2000-2002
Application for Revision of the Judgment of 11 July 1996 in the Case concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina *v.* Yugoslavia), Preliminary Objections *(Yugoslavia* v. *Bosnia and Herzegovina)*	2001-
Certain Property (Liechtenstein v. *Germany)*	2001-
Territorial and Maritime Dispute (Nicaragua v. *Colombia)*	2001-
Frontier Dispute (Benin/Niger) [case referred to a Chamber]	2002-
Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic Republic of the Congo v. *Rwanda)*	2002-
Application for Revision of the Judgment of 11 September 1992 in the Case concerning the Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening) *(El Salvador* v. *Honduras)* [case referred to a Chamber]	2002-
Avena and Other Mexican Nationals (Mexico v. *United States of America)*	2003-
Certain Criminal Proceedings in France (Republic of the Congo v. *France)*	2003-
Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore)	2003-

(b) Advisory

Conditions of Admission of a State to Membership in the United Nations (Article 4 of the Charter)	1947-1948
Reparation for Injuries Suffered in the Service of the United Nations	1948-1949

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[1] See footnote 1, p. 110, below.

Title	Dates
Interpretation of Peace Treaties with Bulgaria, Hungary and Romania	1949-1950
Competence of the General Assembly for the Admission of a State to the United Nations	1949-1950
International Status of South West Africa	1949-1950
Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide	1950-1951
Effect of Awards of Compensation Made by the United Nations Administrative Tribunal	1953-1954
Voting Procedure on Questions relating to Reports and Petitions concerning the Territory of South West Africa	1954-1955
Judgments of the Administrative Tribunal of the ILO upon Complaints Made against Unesco	1955-1956
Admissibility of Hearings of Petitioners by the Committee on South West Africa	1955-1956
Constitution of the Maritime Safety Committee of the Inter-Governmental Maritime Consultative Organization	1959-1960
Certain Expenses of the United Nations (Article 17, paragraph 2, of the Charter)	1961-1962
Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)	1970-1971
Application for Review of Judgement No. 158 of the United Nations Administrative Tribunal	1972-1973
Western Sahara	1974-1975
Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt	1980
Application for Review of Judgement No. 273 of the United Nations Administrative Tribunal	1981-1982
Application for Review of Judgement No. 333 of the United Nations Administrative Tribunal	1984-1987
Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947	1988
Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations	1989
Legality of the Use by a State of Nuclear Weapons in Armed Conflict	1993-1996
Legality of the Threat or Use of Nuclear Weapons	1994-1996
Difference Relating to Immunity from Legal Process of a Special Rapporteur of the Commission on Human Rights	1998-1999

CHAPTER I

ORGANIZATION OF THE COURT

The organization of the International Court of Justice is governed by Articles 2-33 of the Statute of the Court and by Articles 1-18 and 32-37 of the Rules of Court.

I. MEMBERS OF THE COURT

1. Composition of the Court[1]

The Court consists of 15 Members (Statute, Art. 3, para. 1).

On 31 July 2003 the composition of the Court was as follows:

Order of precedence	*Country*	*Date of expiry of term of office*
President Shi Jiuyong	China	5 February 2012[2]
Vice-President		
R. Ranjeva	Madagascar	5 February 2009[2]
Judges G. Guillaume	France	5 February 2009
A. G. Koroma	Sierra Leone	5 February 2012
V. S. Vereshchetin	Russian Federation	5 February 2006
R. Higgins	United Kingdom	5 February 2009
G. Parra-Aranguren	Venezuela	5 February 2009
P. H. Kooijmans	Netherlands	5 February 2006
F. Rezek	Brazil	5 February 2006
A. S. Al-Khasawneh	Jordan	5 February 2009
T. Buergenthal	United States	5 February 2006
N. Elaraby	Egypt	5 February 2006[3]
H. Owada	Japan	5 February 2012
B. Simma	Germany	5 February 2012
P. Tomka	Slovakia	5 February 2012

The Members of the Court are elected for nine years, one-third of the total number of judges being elected every three years; they may be re-elected (Statute, Art. 13). In the event of a vacancy, an election is held and the new judge holds office for the remainder of his predecessor's term (Statute, Arts. 14 and 15). Though replaced, Members of the Court finish any cases they have begun (Statute, Art. 13, para. 3).

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[1] For the composition of chambers, see pp. 21-23, below.

[2] The terms of office of Judges Shi and Ranjeva as President and Vice-President respectively expire in 2006.

[3] Judge Elaraby was elected to fill the vacancy caused by the resignation, effective 30 September 2001, of Judge Bedjaoui (see *I.C.J. Yearbook 2001-2002*, p. 13).

As required by Article 7 of the Statute, the Secretary-General of the United Nations prepares for each election a list of the persons nominated in accordance with Articles 5 and 6. The election is held by the General Assembly and the Security Council of the United Nations, proceeding independently of each other and simultaneously (Statute, Arts. 8-12). The States parties to the Statute of the Court which are not members of the United Nations take part in the election by the General Assembly in the same manner as Members of the United Nations (General Assembly resolution 264 (III) of 8 October 1948; see Chap. III, pp. 112-113, below).

Members of the Court elected during the same session of the General Assembly whose terms of office begin on the same date take precedence according to seniority of age; Members elected at a previous session take precedence; in the event of immediate re-election a Member retains his former precedence (Rules, Art. 3, paras. 2-4).

The Court elects its President and Vice-President; they are both elected for three years and take precedence over the other judges (Statute, Art. 21, para. 1; Rules, Art. 3, para. 5, Arts. 10-14, Art. 18, para. 2, and Art. 32).

2. *Changes in the Composition of the Court in 2002-2003*

Until the beginning of February 2003 the composition of the Court was as follows: Judge G. Guillaume, *President*; Judge Shi Jiuyong, *Vice-President*; Judges S. Oda, R. Ranjeva, G. Herczegh, C.-A. Fleischhauer, A. G. Koroma, V. S. Vereshchetin, R. Higgins, G. Parra-Aranguren, P. H. Kooijmans, F. Rezek, A. S. Al-Khasawneh, T. Buergenthal and N. Elaraby.

On 21 October 2002, elections were held to fill the seats of Judges Shi Jiuyong, S. Oda, G. Herczegh, C.-A. Fleischhauer and A. G. Koroma, whose terms of office were due to expire on 5 February 2003.

Judges Shi Jiuyong and A. G. Koroma were re-elected. Mr. H. Owada, Mr. B. Simma and Mr. P. Tomka were elected to be Members of the Court as from 6 February 2003.

On 6 February 2003 the Court elected Judge Shi Jiuyong to be President and Judge R. Ranjeva to be Vice-President.

3. *Former Presidents and Vice-Presidents and Former Members of the Court*

The following judges served as President or Vice-President before the present holders of those offices:

1946-1949, J. G. Guerrero and J. Basdevant;

1949-1952, J. Basdevant and J. G. Guerrero[1];
1952-1955, Sir Arnold McNair and J. G. Guerrero[1];
1955-1958, G. H. Hackworth and A. H. Badawi[2];
1958-1961, H. Klaestad and Sir Muhammad Zafrulla Khan;
1961-1964, B. Winiarski and R. J. Alfaro;
1964-1967, Sir Percy Spender and V. K. Wellington Koo;
1967-1970, J. L. Bustamante y Rivero and V. M. Koretsky;
1970-1973, Sir Muhammad Zafrulla Khan and F. Ammoun[3];
1973-1976, M. Lachs and F. Ammoun[3];
1976-1979, E. Jiménez de Aréchaga and Nagendra Singh;
1979-1982, Sir Humphrey Waldock[4] and T. O. Elias[5];
1982-1985, T. O. Elias[6] and J. Sette-Camara;
1985-1988, Nagendra Singh and G. Ladreit de Lacharrière[7];
1988-1991, J. M. Ruda and K. Mbaye;
1991-1994, Sir Robert Jennings[8] and S. Oda[8];
1994-1997, M. Bedjaoui and S. M. Schwebel.

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[1] While he was Vice-President of the Court, Judge Guerrero acted as President, by virtue of Article 13, paragraphs 1 and 2, of the 1946 Rules, in the following cases: *Corfu Channel (United Kingdom* v. *Albania)*; *Protection of French Nationals and Protected Persons in Egypt (France* v. *Egypt)*; *Rights of Nationals of the United States of America in Morocco (France* v. *United States of America)*; *Ambatielos (Greece* v. *United Kingdom)*; *Anglo-Iranian Oil Co. (United Kingdom* v. *Iran)*; *Minquiers and Ecrehos (France/United Kingdom)*; *Monetary Gold Removed from Rome in 1943 (Italy* v. *France, United Kingdom and United States of America)*.

[2] While he was Vice-President of the Court, Judge Badawi acted as President, by virtue of Article 13, paragraph 1, of the 1946 Rules, in the cases concerning *Interhandel (Switzerland* v. *United States of America), Interim Protection*, and *Aerial Incident of 27 July 1955 (United States of America* v. *Bulgaria)*.

[3] While he was Vice-President of the Court, Judge Ammoun acted as President, by virtue of Article 11 and Article 13, paragraph 1, of the then Rules of Court, in *Appeal Relating to the Jurisdiction of the ICAO Council*, *Nuclear Tests (Australia* v. *France), Interim Protection*, and *Nuclear Tests (New Zealand* v. *France), Interim Protection*.

[4] Sir Humphrey Waldock died on 15 August 1981. The functions of the Presidency were thereafter exercised by T. O. Elias as Acting President, by virtue of Article 13, paragraph 1, and Article 14 of the 1978 Rules of Court.

[5] Vice-President Elias was for a time Acting President in *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)* and in the proceedings relating to the Orders made on 20 January and 1 February 1982 in *Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America)*.

[6] Judge Elias continued to act as President in *Continental Shelf (Libyan Arab Jamahiriya/Malta)* after 5 February 1985, by virtue of Article 32, paragraph 2, of the 1978 Rules of Court.

[7] Judge Ladreit de Lacharrière died on 10 March 1987. On 6 May 1987 the Court elected Judge Mbaye to be its Vice-President for the remainder of his predecessor's term.

[8] While he was President of the Court, Sir Robert Jennings, being a national of one of the Parties, did not, in accordance with Article 32 of the Rules of Court, preside in the case concerning *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya* v. *United Kingdom)*. Vice-President Oda exercised the functions of the Presidency in that case, as well as in the case concerning *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya* v. *United States of America)*. (See *I.C.J. Yearbook 1991-1992*, p. 198.)

1997-2000, S. M. Schwebel[1] and C. G. Weeramantry[1].
2000-2003, G. Guillaume and Shi Jiuyong.

Apart from the present judges, the following have been Members of the Court (the names of those who have died are preceded by an asterisk):

	Country	*Period of Office*
* R. Ago	Italy	1979-1995
* A. Aguilar-Mawdsley	Venezuela	1991-1995
Prince B. A. Ajibola	Nigeria	1991-1994
* R. J. Alfaro	Panama	1959-1964
* A. Alvarez	Chile	1946-1955
* F. Ammoun	Lebanon	1965-1976
* E. C. Armand-Ugon	Uruguay	1952-1961
* Ph. Azevedo	Brazil	1946-1951
* A. H. Badawi	Egypt	1946-1965
* J. Basdevant	France	1946-1964
* R. R. Baxter	United States	1979-1980
M. Bedjaoui	Algeria	1982-2001
* C. Bengzon	Philippines	1967-1976
* J. L. Bustamante y Rivero	Peru	1961-1970
* L. F. Carneiro	Brazil	1951-1955
* F. de Castro	Spain	1970-1979
* R. Córdova	Mexico	1955-1964
* Ch. De Visscher	Belgium	1946-1952
* H. C. Dillard	United States	1970-1979
* A. El-Erian	Egypt	1979-1981

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[1] While he was President of the Court, Judge Schwebel, being a national of one of the Parties, did not, in accordance with Article 32 of the Rules of Court, preside in the cases concerning *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya* v. *United States of America)*, *Oil Platforms (Islamic Republic of Iran* v. *United States of America)*, *Vienna Convention on Consular Relations (Paraguay* v. *United States of America)*, *LaGrand (Germany* v. *United States of America)* and *Legality of Use of Force (Yugoslavia* v. *United States of America)*. Although Article 32 was not applicable in the cases concerning *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya* v. *United Kingdom)* and *Legality of Use of Force (Serbia and Montenegro* v. *Belgium) (Serbia and Montenegro* v. *Canada) (Serbia and Montenegro* v. *France) (Serbia and Montenegro* v. *Germany) (Serbia and Montenegro* v. *Italy) (Serbia and Montenegro* v. *Netherlands) (Serbia and Montenegro* v. *Portugal) (Yugoslavia* v. *Spain) (Serbia and Montenegro* v. *United Kingdom)*, he did not think it appropriate to exercise the functions of the Presidency in those cases either. It was therefore the Vice-President, Judge Weeramantry, who, in accordance with Article 13, paragraph 1, of the Rules, exercised those functions.

A. El-Khani	Syria	1981-1985
* T. O. Elias	Nigeria	1976-1991
J. Evensen	Norway	1985-1994
* I. Fabela	Mexico	1946-1952
L. Ferrari Bravo	Italy	1995-1997
* Sir Gerald Fitzmaurice	United Kingdom	1960-1973
* C.-A. Fleischhauer	Germany	1994-2003
* I. Forster	Senegal	1964-1982
* S. A. Golunsky	USSR	1952-1953
* A. Gros	France	1964-1984
* J. G. Guerrero	El Salvador	1946-1958
* G. H. Hackworth	United States	1946-1961
G. Herczegh	Hungary	1993-2003
* Hsu Mo	China	1946-1956
* L. Ignacio-Pinto	Benin	1970-1979
Sir Robert Yewdall Jennings	United Kingdom	1982-1995
* P. C. Jessup	United States	1961-1970
* E. Jiménez de Aréchaga	Uruguay	1970-1979
* H. Klaestad	Norway	1946-1961
* F. I. Kojevnikov	USSR	1953-1961
* V. M. Koretsky	USSR	1961-1970
* S. B. Krylov	USSR	1946-1952
* M. Lachs	Poland	1967-1993
* G. Ladreit de Lacharrière	France	1982-1987
* Sir Hersch Lauterpacht	United Kingdom	1955-1960
* Sir Arnold McNair	United Kingdom	1946-1955
K. Mbaye	Senegal	1982-1991
* G. Morelli	Italy	1961-1970
* L. M. Moreno Quintana	Argentina	1955-1964
* P. D. Morozov	USSR	1970-1985
* H. Mosler	Fed. Rep. of Germany	1976-1985
* Nagendra Singh	India	1973-1988
Ni Zhengyu	China	1985-1994
S. Oda	Japan	1976-2003
* C. D. Onyeama	Nigeria	1967-1976
* L. Padilla Nervo	Mexico	1964-1973
R. S. Pathak	India	1989-1991
* S. Petrén	Sweden	1967-1976

* Sir Benegal Rau	India	1952-1953
* J. E. Read	Canada	1946-1958
* J. M. Ruda	Argentina	1973-1991
S. M. Schwebel	United States	1981-2000
* J. Sette-Camara	Brazil	1979-1988
M. Shahabuddeen	Guyana	1988-1997
* Sir Percy C. Spender	Australia	1958-1967
* J. Spiropoulos	Greece	1958-1967
* K. Tanaka	Japan	1961-1970
* N. K. Tarassov	Russian Federation	1985-1995
* S. Tarazi	Syria	1976-1980
* Sir Humphrey Waldock	United Kingdom	1973-1981
C. G. Weeramantry	Sri Lanka	1991-2000
* V. K. Wellington Koo	China	1957-1967
* B. Winiarski	Poland	1946-1967
* Sir Muhammad Zafrulla Khan	Pakistan	1954-1961 and 1964-1973
* M. Zoričić	Yugoslavia	1946-1958

II. Judges *Ad Hoc*

If in a case the Court, or a chamber of the Court, includes upon the Bench a judge of the nationality of one of the parties, any other party may choose a person to sit as judge; similarly, if the Court or the chamber includes upon the Bench no judge of the nationality of the parties, each of these parties may choose a judge (Statute, Art. 31; Rules, Arts. 7-8, Art. 17, para. 2, Arts. 35-37, Art. 91, para. 2, and Art. 102, para. 3, Practice Direction VII). Should there be several parties in the same interest they are reckoned for this purpose as one party only (Statute, Art. 31, para. 5; Rules, Art. 36 and Art. 37, para. 2).

Since the institution of the Court, judges *ad hoc* have been chosen in the following cases (unless otherwise indicated, they held the nationality of the appointing party):

Corfu Channel (United Kingdom v. *Albania)*. Albania chose Mr. I. Daxner (Czechoslovakia), who sat upon the Bench when the preliminary objection was heard, and Mr. B. Ečer (Czechoslovakia), who sat when the case was heard on the merits and also for the assessment of amount of compensation.

Asylum (Colombia/Peru), *Request for Interpretation of the Judgment of 20 November 1950 in the Asylum Case (Colombia* v. *Peru)* and *Haya* *de la Torre (Colombia* v. *Peru)*. Mr. J. J. Caicedo Castilla was chosen by Colombia and Mr. L. Alayza y Paz Soldán by Peru.

Ambatielos (Greece v. *United Kingdom)*. Mr. J. Spiropoulos was chosen by Greece.

Anglo-Iranian Oil Co. (United Kingdom v. *Iran)*. Mr. K. Sandjabi was chosen by Iran.

Nottebohm (Liechtenstein v. *Guatemala)*. Mr. C. García Bauer[1] was chosen by Guatemala and Mr. P. Guggenheim (Switzerland) by Liechtenstein.

Monetary Gold Removed from Rome in 1943 (Italy v. *France, United Kingdom and United States of America)*. Mr. G. Morelli was chosen by Italy.

Right of Passage over Indian Territory (Portugal v. *India)*. Mr. M. Fernandes was chosen by Portugal and the Hon. M. A. C. Chagla by India.

Application of the Convention of 1902 Governing the Guardianship of Infants (Netherlands v. *Sweden)*. Mr. J. Offerhaus was chosen by the Netherlands and Mr. F. J. C. Sterzel by Sweden.

Interhandel (Switzerland v. *United States of America)*. Mr. P. Carry was chosen by Switzerland.

Aerial Incident of 27 July 1955 (Israel v. *Bulgaria)*. Mr. Justice Goitein was chosen by Israel and Mr. J. Žourek (Czechoslovakia) by Bulgaria.

Aerial Incident of 27 July 1955 (United States of America v. *Bulgaria)*[2]. Mr. J. Žourek (Czechoslovakia) was chosen by Bulgaria.

Arbitral Award Made by the King of Spain on 23 December 1906 (Honduras v. *Nicaragua)*. Mr. R. Ago (Italy) was chosen by Honduras and Mr. F. Urrutia Holguín (Colombia) by Nicaragua.

Barcelona Traction, Light and Power Company, Limited (Belgium v. *Spain)*[2]. Mr. W. J. Ganshof van der Meersch was chosen by Belgium and Mr. F. de Castro by Spain.

South West Africa (Ethiopia v. *South Africa; Liberia* v. *South Africa)*. Sir Louis Mbanefo (Nigeria)[3] was chosen by Ethiopia and Liberia and the Hon. J. T. van Wyk by South Africa.

Northern Cameroons (Cameroon v. *United Kingdom)*. Mr. P. Beb a Don was chosen by Cameroon.

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[1] The Government of Guatemala had first chosen as judge *ad hoc* Mr. J. C. Herrera and subsequently Mr. J. Matos, before choosing Mr. García Bauer.

[2] Case removed from the List before the Court had occasion to sit.

[3] The Governments of Ethiopia and Liberia had first chosen as judge *ad hoc* the Hon. J. Chesson, subsequently Sir Muhammad Zafrulla Khan and then Sir Adetokunboh A. Ademola, before choosing Sir Louis Mbanefo.

Barcelona Traction, Light and Power Company, Limited (New Application: 1962) (Belgium v. *Spain)*. Belgium chose Mr. W. J. Ganshof van der Meersch, who sat upon the Bench when the preliminary objections were heard, and Mr. W. Riphagen (Netherlands), who sat in the second phase. Spain chose Mr. E. C. Armand-Ugon (Uruguay).

North Sea Continental Shelf (Federal Republic of Germany/Denmark; Federal Republic of Germany/Netherlands). Mr. H. Mosler was chosen by the Federal Republic of Germany and Mr. M. Sørensen (Denmark) by Denmark and the Netherlands.

Appeal Relating to the Jurisdiction of the ICAO Council (India v. *Pakistan)*. Mr. Nagendra Singh was chosen by India.

Nuclear Tests (Australia v. *France)*. Sir Garfield Barwick was chosen by Australia.

Nuclear Tests (New Zealand v. *France)*. Sir Garfield Barwick (Australia) was chosen by New Zealand.

Trial of Pakistani Prisoners of War (Pakistan v. *India)*. Pakistan chose Sir Muhammad Zafrulla Khan, who sat in the proceedings on the request for interim measures up to 2 July 1973, and Mr. Muhammad Yaqub Ali Khan[1].

Western Sahara. Mr. A. Boni (Ivory Coast) was chosen by Morocco.

Aegean Sea Continental Shelf (Greece v. *Turkey)*. Mr. M. Stassinopoulos was chosen by Greece.

Continental Shelf (Tunisia/Libyan Arab Jamahiriya). Mr. E. Jiménez de Aréchaga (Uruguay) was chosen by the Libyan Arab Jamahiriya and Mr. J. Evensen (Norway) by Tunisia.

Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America) (case referred to a Chamber). Mr. M. Cohen was chosen by Canada.

Continental Shelf (Libyan Arab Jamahiriya/Malta). Mr. E. Jiménez de Aréchaga (Uruguay) was chosen by the Libyan Arab Jamahiriya. Mr. J. Castañeda (Mexico) was chosen by Malta and sat in the proceedings culminating in the Judgment on Italy's application for permission to intervene. Mr. N. Valticos (Greece) was chosen by Malta to sit when the case was heard on the merits.

Frontier Dispute (Burkina Faso/Republic of Mali) (case referred to a Chamber). Mr. F. Luchaire (France) was chosen by Burkina Faso and Mr. G. Abi-Saab (Egypt) by the Republic of Mali.

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[1] This case was removed from the List before the Court had occasion to hear argument on the question of its jurisdiction.

Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. *United States of America).* Mr. C.-A. Colliard (France) was chosen by Nicaragua.

Application for Revision and Interpretation of the Judgment of 24 February 1982 in the Case concerning the Continental Shelf (Tunisia/Libyan Arab Jamahiriya) *(Tunisia* v. *Libyan Arab Jamahiriya).* Mrs. S. Bastid (France) was chosen by Tunisia and Mr. E. Jiménez de Aréchaga (Uruguay) by the Libyan Arab Jamahiriya.

Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening) (case referred to a Chamber). Mr. N. Valticos (Greece) was chosen by El Salvador and Mr. M. Virally (France) was chosen by Honduras. Following the death of Mr. Virally, Mr. S. Torres Bernárdez (Spain) was chosen by Honduras.

Maritime Delimitation in the Area between Greenland and Jan Mayen (Denmark v. *Norway).* Mr. P. H. Fischer was chosen by Denmark.

Aerial Incident of 3 July 1988 (Islamic Republic of Iran v. *United States of America).* Mr. M. Aghahosseini was chosen by the Islamic Republic of Iran[1].

Arbitral Award of 31 July 1989 (Guinea-Bissau v. *Senegal).* Mr. H. Thierry (France) was chosen by Guinea-Bissau. Following the expiry of Judge Mbaye's term of office on 5 February 1991 Senegal no longer had a judge of its nationality on the bench. It therefore chose Mr. K. Mbaye to sit as judge *ad hoc.*

Territorial Dispute (Libyan Arab Jamahiriya/Chad). Mr. J. Sette-Camara (Brazil) was chosen by the Libyan Arab Jamahiriya and Mr. G. M. Abi-Saab (Egypt) by Chad.

East Timor (Portugal v. *Australia).* Mr. A. de Arruda Ferrer-Correia was chosen by Portugal. Following his resignation, on 14 July 1994, Mr. K. J. Skubiszewski (Poland) was chosen by Portugal. Sir Ninian Stephen was chosen by Australia.

Passage through the Great Belt (Finland v. *Denmark).* Mr. B. Broms was chosen by Finland and Mr. P. H. Fischer by Denmark.

Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. *Bahrain).* Mr. J. M. Ruda (Argentina) was chosen by Qatar. Following the death of Mr. Ruda, Mr. S. Torres Bernárdez (Spain) was chosen by Qatar. Mr. N. Valticos (Greece) was chosen by Bahrain. He resigned for health reasons as from the end of the jurisdiction and admissibility phase of the case. Bahrain subsequently chose Mr. M. Shahabuddeen (Guyana). After the resignation of Mr. Shahabuddeen, Bahrain chose Mr. Yves L. Fortier (Canada) to sit as judge *ad hoc*.

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[1] Case removed from the List before the Court held occasion to hear argument on the preliminary objections raised by the United States.

Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. *United Kingdom)*. Mr. A. S. El-Kosheri (Egypt) was chosen by the Libyan Arab Jamahiriya. Judge Higgins having recused herself, the United Kingdom chose Sir Robert Jennings to sit as judge *ad hoc*. The latter has been sitting as such in the phase of the proceedings concerning jurisdiction and admissibility.

Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. *United States of America)*. Mr. A. S. El-Kosheri (Egypt) was chosen by the Libyan Arab Jamahiriya.

Oil Platforms (Islamic Republic of Iran v. *United States of America)*. Mr. F. Rigaux (Belgium) was chosen by the Islamic Republic of Iran.

Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. *Serbia and Montenegro*[1]*)*. Sir Elihu Lauterpacht (United Kingdom) was chosen by Bosnia and Herzegovina. Following his resignation, on 22 February 2002, Mr. Ahmed Mahiou (Algeria) was chosen by Bosnia and Herzegovina. Mr. M. Kreća was chosen by Serbia and Montenegro[1].

Gabčíkovo-Nagymaros Project (Hungary/Slovakia). Mr. K. J. Skubiszewski (Poland) was chosen by Slovakia.

Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. *Nigeria: Equatorial Guinea intervening)*. Mr. K. Mbaye (Senegal) was chosen by Cameroon and Prince B. A. Ajibola by Nigeria.

Fisheries Jurisdiction (Spain v. *Canada)*. Mr. S. Torres Bernárdez was chosen by Spain and Mr. M. Lalonde by Canada.

Request for an Examination of the Situation in Accordance with Paragraph 63 of the Court's Judgment of 20 December 1974 in the Nuclear Tests (New Zealand *v.* France) *Case*. Sir Geoffrey Palmer was chosen by New Zealand.

Request for Interpretation of the Judgment of 11 June 1998 in the Case concerning the Land and Maritime Boundary between Cameroon and Nigeria (Cameroon *v.* Nigeria), Preliminary Objections *(Nigeria* v. *Cameroon)*. Prince B. A. Ajibola was chosen by Nigeria and Mr. K. Mbaye (Senegal) by Cameroon.

Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia). Mr. M. Shahabuddeen (Guyana) was chosen by Indonesia. Following the resignation of Mr. Shahabuddeen, Mr. Thomas Franck (United States of America) was chosen by Indonesia. Mr. C. G. Weeramantry (Sri Lanka) was chosen by Malaysia.

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[1] See footnote 1, p. 110, below.

Ahmadou Sadio Diallo (Republic of Guinea v. *Democratic Republic of the Congo).* Mr. Mohammed Bedjaoui (Algeria) was chosen by the Republic of Guinea and Mr. Auguste Mampuya Kanunk'A-Tshiabo by the Democratic Republic of the Congo. Following the resignation of Mr. Bedjaoui, on 10 September 2002, Mr. Ahmed Mahiou (Algeria) was chosen by the Republic of Guinea.

Legality of Use of Force (Serbia and Montenegro[1] v. *Belgium) (Serbia and Montenegro*[1] v. *Canada) (Serbia and Montenegro*[1] v. *France) (Serbia and Montenegro*[1] v. *Germany) (Serbia and Montenegro*[1] v. *Italy) (Serbia and Montenegro*[1] v. *Netherlands) (Serbia and Montenegro*[1] v. *Portugal) (Yugoslavia* v. *Spain) (Serbia and Montenegro*[1] v. *United Kingdom) (Yugoslavia* v. *United States of America).* In all ten cases Serbia and Montenegro [Yugoslavia] chose Mr. M. Kreća; in the case of *Serbia and Montenegro*[1] v. *Belgium*, Mr. P. Duinslaeger was chosen by Belgium; in the case of *Serbia and Montenegro*[1] v. *Canada*, Mr. M. Lalonde was chosen by Canada; in the case of *Serbia and Montenegro*[1] v. *Italy*, Mr. G. Gaja was chosen by Italy and in the case of *Yugoslavia* v. *Spain*, Mr. S. Torres Bernárdez was chosen by Spain. These have been sitting as such during the examination of Serbia and Montenegro's requests for the indication of provisional measures. In March 2000 Portugal indicated its intention to appoint a judge *ad hoc*. With regard to the phase of the procedure concerning the preliminary objections, the Court, taking into account the presence upon the Bench of judges of British, Dutch and French nationality, decided that the judges *ad hoc* chosen by the respondent States should not sit during that phase. The Court observed that this decision did not in any way prejudice the question whether, if the Court should reject the preliminary objections of the respondents, judges *ad hoc* might sit in subsequent stages of the cases.

Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. *Burundi) (Democratic Republic of the Congo* v. *Uganda) (Democratic Republic of the Congo* v. *Rwanda).* In all three cases Mr. Joe Verhoeven (Belgium) was chosen by the Democratic Republic of the Congo; in the case of *Democratic Republic of the Congo* v. *Burundi*, Mr. J. J. A. Salmon (Belgium) was chosen by Burundi; in the case of *Democratic Republic of the Congo* v. *Uganda*, Mr. James L. Kateka (Tanzania) was chosen by Uganda; and, in the case of *Democratic Republic of the Congo* v. *Rwanda*, Mr. C. J. R. Dugard (South Africa) was chosen by Rwanda.

Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. *Serbia and Montenegro*[1]*).* Mr. B. Vukas was chosen by Croatia and Mr. M. Kreća by Serbia and Montenegro.

Aerial Incident of 10 August 1999 (Pakistan v. *India).* Mr. S. S. U. Pirzada was chosen by Pakistan and Mr. B. P. J. Reddy by India.

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[1] See footnote 1, p. 110, below.

Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. *Belgium).* Mr. Sayeman Bula-Bula was chosen by the Democratic Rebublic of the Congo and Mrs. Christine Van den Wyngaert by Belgium.

Certain Property (Liechtenstein v. *Germany).* Mr. Ian Brownlie (United Kingdom) was chosen by Liechtenstein. Following his resignation, on 25 April 2002, Sir Franklin Berman (United Kingdom) was chosen by Liechtenstein. Mr. Carl-August Fleischhauer was chosen by Germany, Judge Simma being disqualified from sitting.

Maritime Delimitation between Nicaragua and Honduras in the Caribbean Sea (Nicaragua v. *Honduras).* Mr. Giorgio Gaja (Italy) was chosen by Nicaragua and Mr. Julio González Campos (Spain) by Honduras.

Application for Revision of the Judgment of 11 July 1996 in the Case concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina *v.* Yugoslavia), Preliminary Objections *(Yugoslavia* v. *Bosnia and Herzegovina).* Mr. Vojin Dimitrijević was chosen by Yugoslavia. Mr. Sead Hodžić was chosen by Bosnia and Herzegovina. Following the resignation of Mr. Hodžić, on 9 April 2002, Bosnia and Herzegovina chose Mr. Ahmed Mahiou (Algeria).

Territorial and Maritime Dispute (Nicaragua v. *Colombia).* Mr. Yves L. Fortier was chosen by Colombia.

Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic Republic of the Congo v. *Rwanda).* Mr. Jean-Pierre Mavungu Mvumbi-di-Ngoma was chosen by the Democratic Republic of the Congo and Mr. John Dugard by Rwanda.

Frontier Dispute (Benin/Niger). Mr. Mohamed Bennouna (Morocco) was chosen by Benin and Mr. Mohammed Bedjaoui (Algeria) by Niger.

Application for Revision of the Judgment of 11 September 1992 in the Case concerning the Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening) *(El Salvador* v. *Honduras).* Mr. Felipe H. Paolillo (Uruguay) was chosen by El Salvador and Mr. Santiago Torres Bernárdez (Spain) by Honduras.

Avena and Other Mexican Nationals (Mexico v. *United States of America).* Mr. Bernardo Sepúlveda was chosen by Mexico.

Certain Criminal Proceedings in France (Republic of the Congo v. *France).* Mr. Jean-Yves De Cara (France) was chosen by the Republic of the Congo.

III. CHAMBERS

1. Chamber of Summary Procedure

The Statute (Art. 29) provides that, with a view to the speedy despatch of business, the Court shall form annually a Chamber composed of five judges which, at the request of the parties, may hear and determine cases by summary procedure. The Court also selects two judges for this Chamber for the purpose of replacing judges who find it impossible to sit. Under Article 15 of the Rules of Court, the President and Vice-President are members of this Chamber ex officio, the other members and the substitutes being elected. The Chamber of Summary Procedure has never as yet been called upon to meet.

The Chamber of Summary Procedure is at present composed as follows: President Shi Jiuyong; Vice-President Ranjeva; Judges Parra-Aranguren Al-Khasawneh and Buergenthal, members; Judges Elaraby and Owada, substitute members.

2. Chambers Provided for in Article 26, Paragraph 1, of the Statute

The Statute (Art. 26, para. 1) provides also that the Court may from time to time form one or more chambers, composed of three or more judges, as the Court may determine, for dealing with particular categories of cases: for example, labour cases and cases relating to transit and communications. Cases are heard and determined by these chambers if the parties so request.

In the past the Court has considered the question of the possible formation of a chamber to deal with environmental matters. On those occasions it took the view that it was not yet necessary to set up a standing special chamber, emphasizing that it was able to respond rapidly to requests for the constitution of a so-called *"ad hoc"* chamber (pursuant to Article 26, paragraph 2, of the Statute) which could deal also with any environmental case.

In view of the developments in the field of environmental law and protection which have taken place in the last few years, and considering that it should be prepared to the fullest possible extent to deal with any environmental case falling within its jurisdiction, the Court, in July 1993, deemed it appropriate to establish a seven-member Chamber for Environmental Matters to deal with such cases as parties might refer to it in accordance with Article 26 of the Statute. The Chamber, whose current mandate runs to February 2006, is composed as follows: President Shi Jiuyong; Vice-President Ranjeva; and Judges Guillaume, Kooijmans, Rezek, Simma and Tomka.

3. Chambers Formed under Article 26, Paragraph 2, of the Statute

The Statute (Art. 26, para. 2) provides that the Court may form a chamber for dealing with a particular case, the number of judges constituting such a chamber being determined by the Court with the approval of the parties.

Chambers of this kind have been formed at the joint request of the parties to deal with four cases. They are listed below with an indication of the date on which the respective Chamber was constituted and the names of its members.

Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America): constituted on 20 January 1982; Judges Ago (*President*), Gros, Mosler, Schwebel; Judge *ad hoc* Cohen.

Frontier Dispute (Burkina Faso/Republic of Mali): constituted on 3 April 1985; Judges Bedjaoui (*President*), Lachs, Ruda; Judges *ad hoc* Luchaire, Abi-Saab.

Elettronica Sicula S.p.A. (ELSI) (United States of America v. *Italy)*: constituted on 2 March 1987 with the following composition – Judges Nagendra Singh (*President*), Oda, Ago, Schwebel, Sir Robert Jennings. Following the death of Judge Nagendra Singh the Court, on 20 December 1988, elected President Ruda to succeed him as member and (ex officio) President of the Chamber.

Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua [as from 13 September 1990] *intervening)*: constituted on 8 May 1987 with the following composition – Judges Oda, Sette-Camara, Sir Robert Jennings; Judges *ad hoc* Valticos, Virally. The Chamber elected Judge Sette-Camara to be its President. After the death of Judge Virally, Mr. Torres Bernárdez was chosen to sit as judge *ad hoc* in his place, and on 13 December 1989 the Court declared the Chamber to be composed as follows: Judges Sette-Camara (*President*), Oda, Sir Robert Jennings; Judges *ad hoc* Valticos, Torres Bernárdez. On 7 February 1991 Judges Sir Robert Jennings and Oda exchanged places in the order of precedence within the Chamber owing to their election to be, respectively, the Court's President and Vice-President.

Frontier Dispute (Benin/Niger): constituted on 27 November 2002 with the following composition – Judges Guillaume (*President*), Ranjeva, Kooijmans; Judges *ad hoc* Bedjaoui, Bennouna.

Application for Revision of the Judgment of 11 September 1992 in the Case concerning the Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening) *(El Salvador* v. *Honduras)*: constituted on 27 November 2002 with the following composition – Judges Guillaume (*President*), Rezek, Buergenthal; Judges *ad hoc* Torres Bernárdez, Paolillo.

4. Provisions in the Rules relating to Chambers

Articles 15-18 and 90-93 of the Rules of Court contain the provisions relating to chambers.

IV. ASSESSORS

Article 30, paragraph 2, of the Statute and Article 9 of the Rules of Court provide that the Court may, either *proprio motu* or upon a request made not later than the closure of the written proceedings, decide, for the purpose of a contentious case or request for advisory opinion, to appoint assessors to sit with it, without the right to vote. The chambers also have the power to appoint assessors.

These provisions have not been applied up to the present.

V. THE REGISTRAR

The Court appoints its Registrar (Statute, Art. 21, para. 2; Rules, Art. 22).

The present Registrar is Mr. Philippe Couvreur (see Chap. V, p. 196, below).

VI. PRIVILEGES AND IMMUNITIES

Article 19 of the Statute provides: "The Members of the Court, when engaged on the business of the Court, shall enjoy diplomatic privileges and immunities."

In the Netherlands, pursuant to an exchange of correspondence between the President of the Court and the Minister for Foreign Affairs, dated 26 June 1946, they enjoy, in a general way, the same privileges, immunities, facilities and prerogatives as Heads of Diplomatic Missions accredited to Her Majesty the Queen of the Netherlands (*I.C.J. Acts and Documents No. 5*, pp. 200-207). In addition, in accordance with the terms of a letter dated 26 February 1971 from the Minister for Foreign Affairs of the Netherlands, the President of the Court takes precedence over the Heads of Mission, including the Dean of the Diplomatic Corps, who is immediately followed by the Vice-President of the Court and thereafter the precedence proceeds alternately between Heads of Mission and the Members of the Court (*ibid.*, pp. 210-213).

By resolution 90 (I) of 11 December 1946 (*ibid.*, pp. 206-211), the General Assembly of the United Nations approved the agreement concluded with the Government of the Netherlands in June 1946 and recommended that ". . . if a judge, for the purpose of holding himself permanently at the disposal of the Court, resides in some country other than his own, he should be accorded diplomatic privileges and immunities during the period of his residence there" and that "... judges should be accorded every facility for leaving the country where they may happen to be, for entering the country where the Court is sitting, and again for leaving it. On journeys in connection with the exercise of their functions, they should, in all countries through which they may have to pass, enjoy all the privileges, immunities and facilities granted by these countries to diplomatic envoys."

The same resolution contains also a recommendation calling upon Members of the United Nations to recognize and accept United Nations laissez-passer issued to the judges by the Court. Such laissez-passer have been issued since 1950. They are similar in form to those issued by the Secretary-General of the United Nations.

Furthermore, Article 32, paragraph 8, of the Statute provides that the "salaries, allowances and compensation" received by judges "shall be free of all taxation".

CHAPTER II

BIOGRAPHIES OF JUDGES

Biographies of judges who held office in the period 1 August 2002 to 31 July 2003 will be found below.

I. MEMBERS OF THE COURT ON 31 JULY 2003

President SHI Jiuyong

(Member of the Court since 6 February 1994; re-elected as from 6 February 2003; Vice-President of the Court from 2000 to 2003; President since 6 February 2003)

Born in Zhejiang, China, on 9 October 1926.

B.A. in Government and Public Law, St. John's University, Shanghai (1948); M.A. in International Law, Columbia University, New York, United States of America (1951); research in international law at Columbia University, New York (1951-1954).

Assistant Research Fellow in International Law, Institute of International Relations, Beijing, China (1956-1958). Senior Lecturer, Associate Professor of International Law, Foreign Affairs College, Beijing (1958-1964). Research Fellow in International Law, Institute of International Law, Beijing (1964-1973). Research Fellow in International Law, Institute of International Studies, Beijing (1973-1980). Professor of International Law, Foreign Affairs College, Beijing (1984-1993). Professor of Law, Foreign Economic Law Training Centre, Ministry of Justice of the People's Republic of China, Beijing (1987-1988). Honorary Professor, East China University of Politics and Law, Shanghai (since 2001).

Adviser, Chinese Society of International Law, Beijing. Council member, Institute of Hong Kong Law of the Chinese Law Society, Beijing. Member, American Society of International Law. Member, Advisory Board of *The Global Community: Yearbook of International Law and Jurisprudence*.

Legal Adviser, Ministry of Foreign Affairs, People's Republic of China (1980-1993). Legal Adviser, Office of the Chinese Senior Representative, Sino-British Joint Liaison Group (on the question of Hong Kong) (1985-1993). Legal Adviser, Chinese Centre of Legal Consultancy, Beijing (1989-1993). Member, Standing Committee, Beijing Committee (1988-1993), and member, Eighth National Committee (1993), Chinese People's Political Consultative Conference.

Legal Adviser, Chinese delegation to the 1980 Annual Meeting of the Boards of Governors of the International Monetary Fund and the

International Bank for Reconstruction and Development. Legal Adviser, delegation of the Ministry of Finance of the People's Republic of China for the formal visit to the International Bank for Reconstruction and Development (1980). Adviser, Chinese delegation to the thirty-fifth session of the General Assembly of the United Nations and China's Alternate Representative to the Sixth Committee at that session. Adviser, Chinese delegation to the thirty-sixth, thirty-seventh and thirty-eighth sessions of the United Nations General Assembly and China's delegate to the Sixth Committee at the same sessions (1981-1983). Delegate, Chinese delegation to the sessions of the Asian-African Legal Consultative Committee in 1981, 1985 and 1993. Legal Adviser, Chinese delegation to the talks between the Government of China and the Asian Development Bank on the question of China's membership in the Bank (1986). Legal Adviser of the Chinese side, Working Group of the Sino-British Negotiations on the question of Hong Kong (1984). Legal Adviser of the Chinese side, Sino-British Joint Liaison Group (on Hong Kong), plenary sessions (1985-1993). Delegate, Chinese delegation, legal consultations between the Ministry of Foreign Affairs of the People's Republic of China and the Department of State of the United States of America (1983 and 1984). Delegate, Chinese delegation, negotiations between the Government of the People's Republic of China and the Government of the United States of America on Mutual Promotion and Protection of Investment Agreement (1983 and 1984). Representative of the International Law Commission to the forty-fifth session of the United Nations General Assembly (1990). Expert from China, Senior Legal Experts Meetings on Review of Montevideo Programme, United Nations Environment Programme, 5-6 July 1991 at Geneva and 5-7 September 1991 at Nairobi. Representative of the International Law Commission to the thirtieth meeting of the Asian-African Legal Consultative Conference, Cairo, 22-27 April 1991. Legal Adviser to the Chinese delegation, Disarmament Conference, November 1991 to August 1992.

Member (1987-1993), Rapporteur (1988) and Chairman (1990) of the International Law Commission.

Member, Foreign Economic and Trade Arbitration Commission, China Council for the Promotion of International Trade (1984-1988). Member of the Steering Committee on revision of the Hague Convention of 1907 on Pacific Settlement of International Disputes of the Permanent Court of Arbitration (1994-1997).

Taught general course of international law, Foreign Affairs College, Beijing (1958-1963). Taught general course of international economic law, Department of Law, Peking University (1980-1985). Taught general course of international economic law, Foreign Economic Law Training Centre, Ministry of Justice of the People's Republic of China (1988).

Lectures on international financial institutions, National Bureau of Oceanography, the People's Republic of China (1986). Lectures on principles of international law relating to the new international economic order, Department of Law, Peking University (1988). Lectures on protection of private foreign investment (in English), the Hague Academy of International Law, Regional Programme, Beijing (1987). Lecture on the Sino-British Joint Declaration on the question of Hong Kong (in English), Graduate Institute of International Studies, Geneva (1988). Lecture on autonomy in international law and the case of the future Hong Kong Special Administrative Region (in English), International Law Seminar, United Nations Office at Geneva (1988). Lecture on "Nationality of Hong Kong Residents: Present and Future", Graduate Studies, Foreign Affairs College (1988). Lecture on certain issues relating to the legal status of the future Hong Kong Special Administrative Region, Graduate Studies, Department of Law, Peking University (1989). Lectures on international trade regulation, Foreign Service Training Programme of the Ministry of Foreign Affairs of the People's Republic of China (1985 and 1986). Lectures on problems of international economic law, Department of Law, Chinese People's University, Beijing (1987). Chairman, panel discussions on the new international economic order, Beijing Conference on the Law of the World, World Peace through Law (1990). Participant, Symposium on the International Law of Arms Control and Disarmament, held at Geneva (February 1991). Lectures on the International Law Commission, Graduate Studies, Department of Law, Peking University (March 1991). Lectures on selected topics of international economic law, Graduate Studies, Foreign Affairs College (September/October 1991). Participant in the Seminar on the Draft Code of Crimes and International Criminal Jurisdiction, sponsored by the Foundation for the Establishment of an International Criminal Court and International Criminal Law Commission, Talloires, France (May 1991). Lectures on bilateral investment protection agreements (in English), International Law Seminar, United Nations Office at Geneva (June 1992). Participant, Symposium on Teaching, Dissemination and Research of International Law in Developing Countries, Beijing, 1992.

Author of numerous publications on international law.

Vice-President Raymond Ranjeva

(Member of the Court since 6 February 1991; re-elected as from 6 February 2000; Vice-President of the Court since 6 February 2003)

Born in Antananarivo, Madagascar, on 31 August 1942.

Bachelor's degree in law (1965), University of Madagascar, Antananarivo. *Diplôme* from the Madagascar National School of Administration (1966). Trainee in the Judicial Division of the Conseil d'Etat, Paris (1965-1966). *Diplôme* d'études supérieures de sciences politiques, University of Paris, Faculty of Law and Economic Science (1966). *Diplôme* d'études supérieures de droit public, University of Madagascar (1967).

Doctorate of Law, University of Paris II (thesis: "La succession d'organisations internationales en Afrique"). *Agrégé* of the Faculties of Law and Economics, Public Law and Political Science section, Paris (1972).

Doctor *honoris causa* of the Universities of Limoges and Strasbourg. Laureate of the University of Madagascar, of the National Association of Doctors of Law and of the Madagascar National School of Administration.

Civil Administrator (1966). Assistant (1966-1972), Lecturer (1972) and Professor (1981-1991) at the University of Madagascar. Professor at the Madagascar Military Academy and at the Madagascar National School of Administration. Director of the Public Law and Political Science Study Centre. Dean of the Faculty of Law, Economics, Management and Social Sciences (1982-1986); reappointed in 1986. First Rector of the University of Antananarivo (1988-1990). Associate or visiting lecturer at several universities abroad: University of Aix-Marseille III, Bordeaux I, Paris I (Panthéon-Sorbonne), Paris II (Panthéon-Assas), the Institute of Advanced International Studies, La Réunion and Burundi, and the Free University of Brussels. Director of the French-speaking research seminar at the Hague Academy of International Law (1987); gave a course at the Hague Academy of International Law in 1997. Member (Ouagadougou, 1988) and President (Cotonou, 1992) of the Board of *Agrégation* Examiners of the African and Malagasy Council on Higher Education.

Conciliator at the World Bank International Centre for Settlement of Investment Disputes since 1970. Member of Malagasy delegations to several international conferences: Third United Nations Conference on the Law of the Sea; Preparatory Commission for the International Seabed Authority and the Law of the Sea Tribunal; United Nations General Assembly (1979-1990); Non-Aligned Countries (1979); Conference of States which use French (1987); Head of the Malagasy delegation to the United Nations Conference on Succession of States in respect of Treaties, Vienna (1976-1977); Member of the Malagasy delegation responsible for negotiating the revision of the co-operation agreements with France (1973); First Vice-President for Africa of the International Conference of French-Speaking Faculties of Law and Political Science (1987-1991).

Counsel to the Republic of Mali in the case concerning the *Frontier Dispute (Burkina Faso/Republic of Mali)*. Consultant for Madagascar on the amicable settlement of the transfer to the State of the activities of Eau-Electricité de Madagascar and Electricité de France (1973) and in the case of SEDITEX INTERNATIONAL GmbH Hamburg/Republic of Madagascar.

Co-opted Member and Arbitrator of the Court of Arbitration for Sport.

Member and Vice-President of the Malagasy Academy of Sciences, Literature and Arts (1974); President of the ethics and political science section (1976-1991). Managing Director of JURECO: legal, economic and financial databank – research and advisory bodies (1986-1990). Editor of the periodical *Lettre mensuelle de Jureco* (1986-1988).

Member of the Board of the French Society of International Law.

Member of the Quebec Society of International Law. Member of the Governing Body of the African Society of International and Comparative Law. Member of the Scientific Council of the Agence universitaire de la Francophonie (AUPELF-UREF). Associate Member of the Institute of International Law.

Member of the National Constitutional Committee (1975). Founding Member of the Malagasy Human Rights Committee (1971). Member of the Pontifical Council for Justice and Peace. Legal adviser to the Catholic Bishops Conference, Madagascar. Secretary-General of the Malagasy Legal Studies Society.

Commandeur of the National Order of Madagascar. Chevalier of the Madagascar Order of Merit. Officer of the National Order of Mali. Six Honours.

Author of numerous books, essays, articles and of addresses at several conferences.

Judge Gilbert GUILLAUME

(Member of the Court since 14 September 1987;
re-elected as from 6 February 1991 and from 6 February 2000;
President of the Court from 2000 to 2003)

Born in Bois-Colombes, France, on 4 December 1930.

Licence (Bachelor's degree) in law, University of Paris. Diplôme from the Paris Institute of Political Studies; Diplôme d'études supérieures d'économie politique et de science économique (Diploma of Advanced Studies in Political Economy and Economic Science), University of Paris.

Alumnus of the Ecole nationale d'administration.

Member of the Council of State, as Auditeur (1957), then Maître des Requêtes (1963), and most recently Councillor of State (1981-1996).

Legal Adviser to the State Secretariat for Civil Aviation (1968-1979); French Representative on the Legal Committee of the International Civil Aviation Organization (ICAO) (1968-1979) and Chairman of the Committee (1971-1975); delegate to the diplomatic conferences on the suppression of the unlawful seizure of aircraft (The Hague, 1970), the suppression of unlawful acts against the safety of civil aircraft (Montreal, 1971) and air safety (Rome, 1973); President of the Diplomatic Conference on the Liability of the Carrier (Montreal, 1975); Head of the French delegations to the diplomatic conferences on the liability of the carrier vis-à-vis third parties (Montreal, 1978) and the non-use of force against civil aircraft (Montreal, 1984).

Chairman of the Conciliation Commission, Organisation for Economic Co-operation and Development (1973-1978); Member of the European Space Agency Appeals Board (1975-1978); Director of Legal Affairs, Organisation for Economic Co-operation and Development (1979).

Director of Legal Affairs, Ministry of Foreign Affairs (1979-1987).

Counsel for France in the arbitration proceedings between France and the United States over the Franco-American air agreement (1978); Agent for France in the arbitration proceedings between France and Canada over the Franco-Canadian fisheries agreement (1986); Agent for France in numerous cases before the Court of Justice of the European Communities and the European Commission and Court of Human Rights. French Representative on the Central Commission for the Navigation of the Rhine (1979-1987); Chairman of the Commission (1981-1982); French Representative on the Asian-African Legal Consultative Committee (1980-1987).

French delegate to the General Assembly of the United Nations (Sixth Committee) (1982-1987); Head of the French delegation to the Third United Nations Conference on the Law of the Sea (1982), the United Nations Conference on Succession of States in respect of State Property, Archives and Debts (Vienna, 1983) and the United Nations Conference on the Law of Treaties between States and International Organizations or between International Organizations (Vienna, 1986).

Member of the Permanent Court of Arbitration (since 1980). Member of the Court of Arbitration of the Organization for Security and Co-operation in Europe (OSCE). Designated arbitrator by the International Telecommunications Satellite Organization (INTELSAT), the International Chamber of Commerce and the International Centre for the Settlement of Investment Disputes (ICSID).

President of the French branch of the International Law Association (ILA). Member of the Institute of International Law. Vice-President of the French Society for International Law. Honorary Chairman of the French Society for Air and Space Law. Member of the Académie de marine. Member of the Académie de l'air et de l'espace. Member of the International Academy of Comparative Law. Member of the Scientific Board of the *Revue générale de droit international public* and of the Board of Directors of the *Annuaire français de droit international*. Chairman of the Board of Directors of the *Revue française de droit aérien et spatial*. President of the Institute of Air and Space Law of Leiden University.

Author of numerous works and articles. Has given a course on "Terrorism and International Law" at the Hague Academy of International Law ("Terrorisme et droit international", *Recueil des cours*, Vol. 215, 1989). Author of a work on *Les grandes crises internationales et le droit* (1994) and of a book entitled *La Cour internationale de Justice à l'aube du XXI^{ème} – Le regard d'un juge* (2003).

Judge Abdul G. Koroma

(Member of the Court since 6 February 1994; re-elected as from 6 February 2003)

Born in Freetown, Sierra Leone.

LL.M. (Honours), Kiev State University; Master of Philosophy (International Law), King's College, University of London; Hon. LL.D., University of Sierra Leone; Barrister-at-Law, Honorary Bencher, Honourable Society of Lincoln's Inn, London.

Joined the Government service of Sierra Leone in 1964 and the Ministry of Foreign Affairs in 1969. As a Barrister and Legal Practitioner of the High Court of Sierra Leone, was appointed State Counsel and Special Adviser to the Attorney-General and Minister of Justice. Served as Legal Adviser to the Permanent Mission of Sierra Leone to the United Nations. Served as Ambassador Extraordinary and Plenipotentiary of Sierra Leone to the United Nations, New York, while concurrently accredited as High Commissioner of Sierra Leone to Jamaica and Trinidad and Tobago, and Ambassador to the Republic of Korea (Seoul) and Cuba (1981-1985). Served as Ambassador Extraordinary and Plenipotentiary to Belgium, France, Luxembourg and the Netherlands while concurrently accredited to the European Communities and to the United Nations Educational, Scientific and Cultural Organization (Unesco) (1985-1988). Served as Ambassador Extraordinary and Plenipotentiary of Sierra Leone to the Organization of African Unity (OAU) with concurrent accreditation to Ethiopia, Kenya, the United Republic of Tanzania and Zambia (1988-1992).

As delegate to the General Assembly, served on the Sixth Committee (Legal) from 1977 to 1994 and was elected Chairman. Also served as delegate of Sierra Leone to the following United Nations bodies: the Special Committee on the Review of the Charter and on the Strengthening of the Role of the Organization; the United Nations Commission on International Trade Law (UNCITRAL); the United Nations Committee on the Peaceful Uses of Outer Space; the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law; served as Chairman of the United Nations Special Committee on the granting of independence to colonial countries and peoples (Committee of 24); headed various United Nations missions on the observance of the exercise of the right of self-determination in various non-self-governing territories.

Represented Sierra Leone at many plenipotentiary conferences, including the United Nations Conference on the Succession of States in respect of Property, Debts and Archives, and was a signatory of the Convention; the Third United Nations Conference on the Law of the Sea (UNCLOS III) and Chairman of the African Group at the Conference. In that capacity, was closely associated with the elaboration of some of the key provisions of the resulting Convention. Was a signatory of the Convention.

Played an active role in and contributed to the elaboration of various contemporary legal instruments. Member of the International Law Commission (January 1982-1994), and Chairman of the Commission during its forty-third session (1991). Former Chairman of the Committee mandated to elaborate a Draft Statute for an International Criminal Court. As a member of the International Law Commission, was an active participant and contributor to the codification and progressive development of such important international legal instruments as the Draft Code of Crimes against Peace and Security of Mankind; Relations between States and International Organizations; the Jurisdictional Immunities of States and their Property; the Law of State Responsibility; the proposed Statute of an International Criminal Court; and the Law of the Non-Navigational Uses of International Watercourses; the draft articles on most-favoured-nation clauses; the articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier, and of the optional protocols thereto.

Contributions to other major areas of international law, including the law of self-determination, human rights law, international humanitarian law, and the peaceful settlement of disputes; has written and lectured on these subjects. Served as expert consultant to the International Committee of the Red Cross (ICRC) at Geneva on the implementation of and respect for international humanitarian law. Has delivered lectures on all of these topics in many countries, including Cameroon, Canada, China, Ethiopia, Germany, Greece, India, Japan, Malta, Norway, Sweden, the United Republic of Tanzania and the United States of America.

Participated in conferences, symposiums and seminars on international law, including those held by the International Ocean Institute (Malta and Halifax, Nova Scotia); the International Law Institute (Hawaii); the International Criminal Jurisdiction (Talloires); the International Institute of Higher Studies in Criminal Sciences; Centre for International Studies, New York University School of Law; the Asian-African Legal Consultative Committee. Also served as external examiner in international law for Ph.D. candidates at the University of Dalhousie, Halifax, Nova Scotia, Canada.

Member of the American Society of International Law; Member, Planning Council of the International Ocean Institute (Halifax and Malta); Member and Vice-President of the African Association of International and Comparative Law; Vice-President of the African Society of International and Comparative Law; President, Henri Dunant Centre for Humanitarian Dialogue (Geneva); Member of the Board, University of Pretoria (South Africa). Associate Member, Institute of International Law

The Order of Commander of Rokel was awarded by the Government of Sierra Leone for outstanding professional service (1991).

Author of a thesis on the *Settlement of Territorial and Boundary Disputes in Africa* (University of London). Among articles published: "Humanitarian Intervention and Contemporary International Law", *Swiss Review of International and European Law*, No. 4 (1995); "The Peaceful Settlement of International Disputes", *Netherlands International Review*, Vol. XLIII, 1996/7; "50th Anniversary of the Universal Declaration of Human Rights: Human Rights and International Humanitarian Law", *International Review of the Red Cross*, 1998; "The Influence of the Universal Declaration of Human Rights in Africa – Fifty Years after Its Adoption – A Legal Perspective", *Africa Legal Aid Quarterly*, 1998; "International Justice in Relation to the International

Court of Justice", *Thesaurus Acroasium*, Vol. XXVI, Thessaloniki; "Implementation of the Law of the Sea Convention through Its Institutions: An Overview", in D. Vidas and W. Østreng (eds.), *Order for the Oceans at the Turn of the Century*; "The Humanitarian Consequences of Small Arms Proliferation", Paper delivered under the auspices of the Henry Dunant Centre for Humanitarian Dialogue; "The Future of the Common Heritage of Mankind", *1982 Convention on the Law of the Sea*, published by the Law of the Sea Institute, University of Hawaii, Honolulu; "Provisional Measures in Disputes between African States before the International Court of Justice", in *The International Legal System in Quest of Equity and Universality, Liber Amicorum Georges Abi-Saab*, ed. by Laurence Boisson de Chazournes and Vera Gowlland-Debbas, 2001; "Social Justice and the Role of an International Judge", Paper delivered at the Colloquium on Social Justice and International Law in Honour of Professor Georges Abi-Saab, 2001; Book Review on *Human Rights in Africa Series*, ed. Professor Christof Heyns, *Leiden Journal of International Law*, 2001; "Africa's Place in the International Justice System", Paper delivered at the 643rd Wilton Park Conference: Justice in Africa, 2001; "Refugees: A Continuing Challenge", Paper delivered at the 25th Round Table on Current Problems of International Humanitarian Law, International Institute of Humanitarian Law, San Remo, 2001; "The Protection of Civilian Populations in Non-International Armed Conflicts", Paper delivered at the Third Meeting of Experts, International Institute of Humanitarian Law, Stockholm, 2001.

Judge Vladlen Stepanovich VERESHCHETIN

(Member of the Court since 26 January 1995; re-elected as from 6 February 1997)

Born in Briansk, Russian Federation, on 8 January 1932.

Graduated (with honours) from the International Law Faculty of the Moscow Institute of International Relations (1954). Post-graduate studies in international law at the same Institute (1955-1958). Candidate of Juridical Sciences (1959). Doctor of Juridical Sciences (1976). Professor of International Law (1982). Maître émérite des Sciences of the Russian Federation (1995).

Staff member of the Presidium of the USSR Academy of Sciences (1958-1967). First Vice-Chairman and Legal Counsel, Intercosmos, USSR Academy of Sciences (1967-1981). Deputy Director and Head of the International Law Department of the Institute of State and Law, Russian Academy of Sciences, Moscow (1981-1995).

Member of the United Nations International Law Commission (1992-1995); Chairman of the Commission (1994). Member of the USSR delegations to the United Nations Committee on the Peaceful Uses of Outer Space and its Legal Sub-committee (1979-1990).

Member of the Permanent Court of Arbitration (1984-1995).

Has given lecture courses and individual lectures on the theory of international law, the peaceful settlement of international disputes, the law of the sea, the law of outer space and the law of international organizations at the Institute of International Relations, the Diplomatic Academy and the University of Friendship of Peoples (Moscow), the Juridical Institute (Ekaterinburg), the Institute of International Public Law and International Relations (Thessaloniki), the European University Institute (Florence), the Universities of Cleveland, Akron and Mississippi, the Institute of International Private and Public Law (The Hague) and the University of Dundee (Scotland). Has presented papers on different international law subjects at many national and international congresses and conferences.

Vice-President of the Russian (formerly Soviet) Association of International Law (1985-1997). Chairman of the Scientific Council on International and Comparative Law at the Institute of State and Law, Russian Academy of Sciences (1981-1995). Vice-President of the Russian (formerly Soviet) United Nations Association (1984-1997). Vice-President (1978-1995), Honorary Director of the International Institute of Space Law. Member of the Policy and Finance Committee of the International Law Association (1990-2002). Member, Board of Directors of the International Institute of Air and Space Law, Leiden University (since 1995). Member (since 1977), Trustee (1985-1996) of the International Academy of Astronautics.

Member of the editorial and advisory boards of the *Russian Law Journal*, the *Journal of Space Law* (United States), the *Chinese Journal of International Law* and *The International Lawyer* (Moscow).

Orders and awards: "Badge of Honour" (1967), "Friendship of Peoples" (1975), "October Revolution" (1981). Honorary Awards of the German Academy of Sciences at Berlin (1978), the Bulgarian Academy of Sciences (1979), the International Academy of Astronautics (1987, 1994), the International Institute of Space Law (1995), the Russian Association of International Law (1995), Hugo Grotius Medal (2001).

Author of more than 150 works and articles on international law published in Russia and abroad, including seven-volume *Course of International Law*, Moscow, 1989-1993 (Deputy Editor-in-Chief of the course and co-author).

Judge Rosalyn HIGGINS

(Member of the Court since 12 July 1995; re-elected as from 6 February 2000)

Born in London on 2 June 1937.

Dame Commander of the British Empire (1995).

Fellow of the British Academy; Fellow of the American Academy of Arts and Sciences.

B.A. (Cantab.) 1st Class (1959); LL.B. (Cantab.) 1st Class (1962); J.S.D. (Yale) (1962); M.A. (Cantab.) (1962); Honorary Doctorates of the Universities of Paris XI (1980), Dundee (1992), Durham and the London School of Economics (1995), Cambridge, Kent, Essex, Sussex, Greenwich and London City University (1996), Birmingham, Leicester, Glasgow (1997), Nottingham (1999), Bath, Paris II (2001), Oxford (2002) and Reading (2003). Awarded the Yale Law School Medal of Merit (1997) and the Manley O. Hudson Medal (1998).

Minor Scholar, Girton College, Cambridge (1957); Major Scholar, Girton College, Cambridge (1958); Campbell Scholarship for Professional Studies (1957); Montefiore Award for academic and general distinction (1958); Bryce-Tebbs Scholar, Cambridge (1958); Commonwealth Fund (Harkness) Fellowship (1959-1961); Graduate Fellow, Yale Law School (1959-1961).

United Kingdom Interne, Office of Legal Affairs, United Nations (1958); Visiting Fellow, Brookings Institution, Washington, DC (1960); Junior Fellow in international studies, London School of Economics (1961-1963); Staff specialist in international law, Royal Institute of International Affairs (1963-1974); Visiting Fellow, London School of Economics (1974-1978); Professor of International Law, University of Kent at Canterbury (1978-1981); Professor of International Law, University of London (1981-1995).

Queen's Counsel (1986); Bencher of the Inner Temple (1989).

Queen's Counsel and Bencher of the Inner Temple, practising in public international law and petroleum law. Practice in the English courts and before various international tribunals, including the International Court of Justice, the European Court of Human Rights and the Court of the European Communities.

Counsel for the International Tin Council in a series of cases in the United Kingdom.

Counsel in the following cases in the International Court of Justice: *Territorial Dispute (Libyan Arab Jamahiriya/Chad); East Timor (Portugal* v. *Australia); Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya* v. *United Kingdom); Gabčikovo-Nagymaros Project (Hungary/Slovakia).*

President, Tribunal of the International Centre for Settlement of Investment Disputes *(Amco* v. *Indonesia).*

Member of the Committee on Human Rights under the International Covenant on Civil and Political Rights (1984-1995); Special Rapporteur for new cases (1989-1991).

Associé of the Institut de droit international (1987), Member (1991); Chairman (since 1992), Public International Law Advisory Board, British Institute for International and Comparative Law, and Vice-President of the Institute (since 2002); Hon. Vice-President of the American Society of International Law (1993).

Rockefeller Foundation Fellowship (1961); British Academy Award

(1977-1978); Volumes I and II of *United Nations Peacekeeping* received the 1971 Certificate of Merit of the American Society of International Law; *Problems and Process* received the 1995 Certificate of Merit of the American Society of International Law; Wolfgang Friedman Medal for services to International Law, Columbia University (1985); Harold Weil Medal, New York University (1995); Ordre des Palmes Académiques (1988); Honorary Life Membership Award, American Society of International Law (1992).

Past member of the Board of Editors of the *American Journal of International Law* and the *Journal of Energy and Natural Resources Law*. Member of the Board of Editors of the *British Year Book of International Law*.

Delivered general course on international law at the Hague Academy of International Law (1991).

Author of *The Development of International Law through the Political Organs of the United Nations*, 1963; *Conflict of Interests: International Law in a Divided World*, 1965; *The Administration of the United Kingdom Foreign Policy through the United Nations*, 1966; *UN Peacekeeping: Documents and Commentary*, Vol. I, *Middle East*, 1969, Vol. II, *Asia*, 1970, Vol. III, *Africa*, 1980, Vol. IV, *Europe*, 1981; *Law in Movement – Essays in Memory of John McMahon* (joint editor with James Fawcett), 1974; "The Taking of Property by the State: Recent Developments in International Law", *Recueil des cours*, Hague Academy of International Law, Vol. 176, 1982; *Liberté de circulation des personnes en droit international* (joint editor with Maurice Flory), 1988; "International Law and the Avoidance, Containment and Resolution of Disputes (General Course on Public International Law)", *Recueil des cours*, Vol. 230, 1991; *Problems and Process: International Law and How We Use It*, 1994; and of various works and articles on international legal theory, United Nations law, the use of force, State and diplomatic immunities, human rights and international petroleum law.

Judge Gonzalo PARRA-ARANGUREN

(Member of the Court since 28 February 1996; re-elected as from 6 February 2000)

Born in Caracas, Venezuela, on 5 December 1928.

Degree in juridical and political sciences (*summa cum laude*) at the Central University of Venezuela (1950); postgraduate course in comparative law and jurisprudence (LL.M.) at the Inter-American Law Institute, New York University (1951-1952); Doctor of Law (*"doktor iuris"*) (*cum laude*) at the Ludwig-Maximileans University, Munich (1955).

Professor at the Central University of Venezuela, Caracas, teaching private international law (1956-1996); has taught that same course at Andrés Bello Catholic University in Caracas (1957-1996).

Judge in the Second Tribunal of First Instance (commercial matters), Federal District and State of Miranda, Caracas (1958-1971); first associate judge (1988-1992) in the Chamber of Cassation (civil, commercial and labour matters) of the Supreme Court of Justice; alternate judge of the same Chamber (1992-1996). Has acted as arbitrator, both in Venezuela and abroad, in the latter case regarding international commercial matters of a private nature; on several occasions has testified in foreign courts as an expert on Venezuelan law.

Member of the commission of enquiry appointed in 1985 by the Governing Body of the International Labour Office to consider the implementation by the Federal Republic of Germany of the ILO Discrimination (Employment and Occupation) Convention (1958, No. 111); the report was submitted in 1986, but he did not endorse its recommendations.

Member of the Permanent Court of Arbitration (since 1985).

Member of the legislative committees that drafted the section on Venezuelan nationality in connection with the Constitution that was approved in 1961; the draft law on private international law (1963) and its subsequent revision in 1965 that was essentially reproduced in the Venezuelan Private International Law Act (1998); and the revised draft sections of the Code of Commerce dealing with credit instruments and bankruptcy respectively (1963-1965). The Venezuelan Supreme Court of Justice published in 2001 in his homage a compilation of the *travaux préparatoires* and the consideration by Congress of the 1998 Private International Law Act as well as a selection of explanatory commentaries and relevant decisions applying to it.

Member of the legal advisory committee of the Ministry of Foreign Affairs (1984-1996) and of the legal advisory council of the National Congress (1990-1996).

Member of the Institut de droit international (elected in 1979).

Member of the Academy of Political and Social Sciences of Caracas (since 1966) and its President (1993-1995). Corresponding Member of the Uruguayan International Law Association (1978); Corresponding Member of the Argentine International Law Association (1981); Corresponding Member of the National Academy of Law and Social Sciences of Córdoba, Argentine Republic (1982); Honorary Fellow of the Royal Academy of Jurisprudence and Legislation of Granada, Spain (1994); Corresponding Member of the Mexican Academy of Jurisprudence and Legislation corresponding to that of Spain (1994); Honorary Fellow of the Royal Academy of Jurisprudence and Legislation, Madrid (1994); Member of the "Deutsche Gesellschaft für Völkerrecht" (1998).

Member of the Governing Council of the International Institute for the Unification of Private Law (UNIDROIT) (1982-1993); elected again in 1996 for one year. Honorary Member of the same Council since 1993.

Former Member of the editorial board of the *Revista del Colegio de Abogados del Distrito Federal*, Caracas, and of the editorial board of the *Revista de la Facultad de Derecho de la Universidad Católica Andrés Bello*, Caracas (from its establishment until 1996). Correspondent for the *Netherlands International Law Review* (since 1987).

Taught the General Course on Private International Law at the Hague Academy of International Law (1988), and has given lectures in various countries: in Curaçao, at the commemoration of the centenary of the Introduction of the Civil Code and the Installation of the High Court of Justice (1969); at the course on international law (Rio de Janeiro, 1978, 1979, 1982, 1988, 1992 and 1997), organized by the Inter-American Juridical Committee and the Brazilian Foundation "Gétulio Vargas"; at the Hague Academy of International Law, on "Recent Developments of Conflict of Laws Conventions in Latin America" (1979); at the "Journeys of International Law" (Salamanca, November 1992); at the seminar on "Principles for the International Commercial Contracts", prepared by the International Institute for the Unification of Private Law (UNIDROIT) (Rome, December 1993); at the working meeting on the "Reviews and Books for the Unification of the Latin-American Juridical System" (Rome, December 1993); at the Eighth World Conference of the International Society of Family Law (Cardiff, June 1994); at the Congress on Children on the Move, organized by the Dutch committee of the International Year of the Family in collaboration with the Hague Conference on Private International Law (The Hague, October 1994); at the seminar on "Adoption, an Act of Love", organized by the Colombian Institute for Family Welfare (Bogotá, June 1995); at the Symposium "Il nuovo Diritto Internazionale Privato Italiano", University of Padua (1996); at the Symposium "Globalization of Child Law: The Role of the Hague Convention" (The Hague, September 1997); and at the "Civil Law Congress", organized by the Bar Association of Puerto Rico (1998).

Co-Chairman of the Committee on Private International Law, during the Sixteenth Session of the Inter-American Lawyers Federation (Caracas, 1969). Reporter at the "First Latin-American Journeys of International Law", at the Andrés Bello Catholic University (Caracas, 1979); at the Twelfth Congress of the Hispano-Luso Institute of International Law (Merida, Venezuela, 1980); at the International Seminar on Adoption (Caracas, 1996); and at the Inter-American Congress "Towards a New Regulation of the International Contracts" (Valencia, Venezuela, 1996).

Representative for Venezuela at the International Association of Legal Science and the German Society for Comparative Law (Treveris, Federal Republic of Germany, 1961); and at the third meeting of the Joint Venezuelan-Spanish Commission (Madrid, 1974).

Representative for Venezuela at the first Inter-American Specialized Conference on Private International Law (CIDIP-I, Panama, 1975), being Vice-Chairman of the Second Committee; at the second such Conference (CIDIP-II, Montevideo, 1979), being Chairman of the Second Committee; at the third and fourth such Conferences (held, respectively, CIDIP-III in La Paz, Bolivia, 1984, and CIDIP-IV in Montevideo, 1989), being Chairman of the Second Committee; and at the fifth such Conference (CIDIP-V, Mexico City, 1994), being Chairman of the First Committee.

Member of the Committees of Experts that met in Washington, D.C., in 1980 in preparation for the Third Inter-American Specialized Conference on Private International Law (CIDIP-III); in Tucson, Arizona, 1993, in preparation for the Fifth Inter-American Specialized Conference on Private International Law (CIDIP-V); and in Washington, D.C. (1995, 1996) to prepare the Inter-American Convention against Corruption.

Representative of Venezuela at the Hague Conference on Private International Law: thirteenth session (1976-1977); fourteenth session (1980); fifteenth session (1984); special session (1985); sixteenth session (1988); and the seventeenth session (1993); Member of the special working group and Special Commission (April and October 1994, respectively) to study the application of the Convention of 1993 to minors who are refugees; and of the Special Commission (second meeting, June 1995) on the Protection of Minors and Incompetent Adults and of the Special Commission on maintenance obligations (November 1995). Elected one of the five Vice-Chairmen at the fifteenth and sixteenth sessions.

Rapporteur of the Special Commission of the seventeenth session of the Hague Conference on Private International Law and, in pursuance of these functions, prepared the preliminary report (1992) and the explanatory report on the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption on 29 May 1993.

Author of the following books: *Die Regel "Locus Regit Actum" und die Formen der Testamente*, 1955; *La Nacionalidad Venezolana Originaria*, Vols. I and II, 1964; *La Constitución de 1830 y los Venezolanos por Naturalización*, 1969; *Codificación del Derecho Internacional Privado en América*, Vol. I, 1982, Vol. II, 1998; *La Nacionalidad Venezolana: I. Antecedentes Históricos*, 1983; *La Influencia del Matrimonio sobre la Nacionalidad de la Mujer en la Legislación Venezolana*, 1983; *La Nacionalidad Venezolana. II. Problemas Actuales*, 1983; *Monografías Selectas de Derecho Internacional Privado*, 1984; *Ensayos de Derecho Procesal Civil Internacional*, 1986; *Curso General de Derecho Internacional Privado (Problemas Selectos)*, 1991; *Curso General de Derecho Internacional Privado. Problemas Selectos y Otros Estudios*, 1992; *Curso General de Derecho Internacional Privado. Problemas selectos y Otros Estudios*, Tercera Edición Revisada, 1998; *Estudios de Derecho Procesal Civil Internacional*, 1998; *Escritos Diversos de Derecho Internacional Privado*, 1998; *Estudios de Derecho Mercantil Internacional*, 1998.

Has published numerous articles on the law of nationality, private international law and international civil procedural law in Venezuelan and foreign journals.

Judge Pieter Hendrik KOOIJMANS

(Member of the Court since 6 February 1997)

Born at Heemstede, Netherlands, on 6 July 1933.

Econ. B. (1955), LL.M. (with honours) (1957), Dr. Iuris, Free University, Amsterdam (with honours) (1964).

Professor of Public International Law and European Law, Free University, Amsterdam (1965-1973). Professor of Public International Law, University of Leiden (1977-1992, 1995-1997).

State Secretary for Foreign Affairs of the Netherlands (1973-1977). Minister for Foreign Affairs of the Netherlands (1993-1994).

Member of the Netherlands delegation to the General Assembly of the United Nations (1967, Sixth Committee), Vice-Chairman (1973-1977), Chairman (1993). Head of the Netherlands delegation to various sessions of the Third United Nations Conference on the Law of the Sea (1974-1977), to the First Review Conference of the Non-Proliferation Treaty (1975), to the Geneva Diplomatic Conference on humanitarian law in armed conflict (1975) and to the United Nations Conference on *Apartheid* (1977). Head of the Netherlands delegation to the United Nations Commission on Human Rights (1982-1985, 1992).

Chairman of the United Nations Commission on Human Rights (1984-1985). Special Rapporteur of the United Nations Commission on Human Rights on Questions relevant to Torture (1985-1992).

Member of various United Nations and Conference on Security and Co-operation in Europe (CSCE) missions to the former Yugoslavia (1991-1992).

Member of the Group of International Advisors of the International Committee of the Red Cross.

Member and former Chairman of the Netherlands Branch of the International Law Association. Member of the Institut de droit international.

Former positions: Member of the Permanent Court of Arbitration. Chairman of the Supervisory Board of the Netherlands Research Center for African Studies. Vice-President of the European Cultural Foundation. Chairman of the Board of the Carnegie Foundation. Chairman of the Administrative Council of the Hague Academy of International Law. Chairman of the Board of the Netherlands Disaster Relief Agency. Chairman of the Supervisory Board of the Netherlands Refugee Foundation. Chairman of the Netherlands Foundation for support to the democratic institutions of the new South Africa. Vice-Chairman of the Dutch Evangelical Party (merged in 1980 with two other parties into the Christian Democratic Party). Chairman of the Foreign Affairs Committee of the Christian Democratic Party. Member of the Steering Committee of the International Crisis Group. Member of the Advisory Committee on Questions of International Law (Dutch Ministry of Foreign Affairs). Member of the Advisory Council on Questions of Peace and Security (Dutch Ministries of Foreign Affairs and Defence). Member of the Board of Editors of the *Netherlands International Law Review*. Chairman of the Board of the Institute of Social Studies (postgraduate school on questions of development). Chairman of the Board of the Netherlands Institute of Peace-related Issues. Vice-Chairman of the Advisory Commission on Questions of Aliens (quasi-judicial body, Dutch Ministry of Justice). Chairman of the Advisory Committee on Questions of Disarmament (Dutch Ministry of Foreign Affairs). Member of the Advisory Defence Council (Dutch Ministry of Defence). Member of various advisory commissions on the Codification of the Law of Aliens and of Refugees (Dutch Ministry of Justice).

Lecturer at the Hague Academy of International Law (1976 and 1991).

Author of numerous publications on international law.

Judge Francisco REZEK

(Member of the Court since 6 February 1997)

Born in Cristina, Minas Gerais (Brazil), on 18 January 1944.

LL.B (1966), D.E.S. (1967): Federal University of Minas Gerais (Belo Horizonte, MG). Docteur de l'Université de Paris-Sorbonne (1970). Diploma in Law, University of Oxford (1979).

Courses and research programmes: Harvard University (1965); the Hague Academy of International Law (1968, 1970).

Professor of International Law and Constitutional Law at the University of Brasilia (1971-1997). Chairman of the Department of Law (1974-1976). Dean of the Faculty of Social Studies (1978-1979). Professor of International Law at Rio Branco Institute (the official diplomatic school of Brazil) (1976-1997). Lecturer at the Hague Academy of International Law (1986) and at the Institute of International Public Law and International Relations, Thessaloniki (1989).

President of conferences, lecturer and examiner in contests for professorship in the major Brazilian universities (since 1971).

Attorney of the Republic before the Supreme Court of Brazil (1972-1979); Deputy Attorney-General of the Republic (1979-1983). Justice of the Supreme Court of Brazil, appointed by the President with approval of the Senate, March 1983, at the age of 39. Resigned in March 1990. Appointed again in April 1992 for life, retired in 1997.

Foreign Minister of Brazil (from March 1990 to April 1992).

Member of the Permanent Court of Arbitration (since 1987).

Published works: *Direito dos Tratados*, 1984; *Direito Internacional Público*, 1st ed., 1989, 9th ed., 2001; *Droit des traités: particularités des actes constitutifs d'organisations internationales*, 1968; *La conduite des relations internationales dans le droit constitutionnel latino-américain*, 1970; “Aspectos elementares do Estatuto da Igualdade”, in *Boletim do Ministério da Justiça*, No. 277, 1978; “Reciprocity as a Basis of Extradition”, in *British Year Book of International Law*, Vol. 52, 1981; “Protection of the Victims of Armed Conflicts: Wounded, Sick and Shipwrecked”, in *International Dimensions of Humanitarian Law*, Unesco, Institut Henry Dunant, 1988 (preceded by a French edition, 1986); “Le droit international de la nationalité”, Hague Academy of International Law, *Recueil des cours*, Vol. 198, 1986; “Sur le fondement du droit des gens", in *Essays in Honour of Krzysztof Skubiszewski*, 1996; "A New International Order", in *Review of International Affairs*, 1990; "Una politica comercial para los nuevos tiempos", in *Revista Latinoamericana de Integración*, 1991; "Imunidade do Estado Estrangeiro à Jurisdição Local", in *Hector Gross Espiel liber amicorum*, 1997.

About 45 monographs and other legal studies published in specialized periodicals in Brazil. More than 300 advisory opinions pronounced on behalf of the Public Ministry in cases put before the Supreme Court of Brazil and published in its quarterly Report (1972-1983). More than 500 decisions or dissenting opinions pronounced in the Supreme Court of Brazil and published in its quarterly Report and in other periodicals (1983-1995).

Judge Awn Shawkat Al-Khasawneh

(Member of the Court since 6 February 2000)

Born in Amman, Jordan, on 22 February 1950.

Primary and secondary education at the Islamic Educational College of Amman. University education at Cambridge University (Queens' College), history and law, postgraduate studies in international law. M.A. LL.M. (Cantab.)

Joined the Jordanian diplomatic service in 1975. Second Secretary, then First Secretary at the Permanent Mission of Jordan to the United Nations in New York (1976-1980). Ministry of Foreign Affairs with special responsibility for international organizations and international law (1980-1985). Head of the Legal Department at the Ministry of Foreign Affairs (1985-1990). Seconded to the Royal Court (1990). Ambassador (1992). Adviser to the King and Adviser of the State on International Law with the rank of Cabinet Minister (1995). Chief of the Royal Hashemite Court (1996-1998).

Member of the Jordanian Royal Commission on Legislative and Administrative Reform (1994-1996). Chairman of the Jordanian National Group on the Implementation of International Humanitarian Law (1998).

Representative of Jordan at 19 sessions of the General Assembly of the United Nations (the Sixth (Legal) Committee) (since 1976). Jordan's alternate representative on the Security Council (1981-1982). Member of most Jordanian delegations to meetings of the Arab League, the Movement of Non-Aligned Countries and the Organization of the Islamic Conference held in the years 1980-1988. Member of, and Legal Adviser to, the Jordanian delegation to the peace negotiations in the Middle East (1991-1994).

Representative of Jordan at the following conferences and committees in the field of the codification and progressive development of international law: *Ad Hoc* Committee on the Drafting of an International Convention against the Taking of Hostages (1977-1980); United Nations

Conference on Succession of States in Respect of Treaties, Second Session (1978); United Nations Conference on Succession of States in Respect of State Property, Archives and Debts (1982); Chairman of the Drafting Committee at the United Nations Conference on Treaties between States and International Organizations or between International Organizations (1986). Rome Conference on the drafting of a Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (1988).

Member of the Arab International Law Commission (1982-1989).

Member of the United Nations Sub-Commission on the Prevention of Discrimination and Protection of Minorities (1984-1993). Chairman of the Sub-Commission (1993).

Special Rapporteur of the Commission on Human Rights on the human rights dimensions of forcible population transfer.

Chairman of Commission IV, Unesco General Conference (1993).

Member of the International Law Commission (1986-1999).

Member of the International Law Association, Committee on Maritime Neutrality (1994).

Member of the Board of Editors, *Palestine Yearbook of International Law*.

Member of the Council of the Centre of Islamic and Middle Eastern Law at the School of Oriental and African Studies, University of London.

Lectured and participated widely in academic seminars at various universities, including Oxford, Cambridge, London, Geneva and universities in Jordan.

Publications: Three reports on the human rights dimensions of forcible population transfers, to the Subcommission on Prevention of Discrimination and Protection of Minorities (1993-1997); "General Principles and Methods for Executing a New Convention", in *Environmental Protection and the Law of War*, 1992; "The International Law Commission and Middle East Waters", in *Water in the Middle East: Legal, Political and Commercial Implications*, 1995.

Honours: Istiqlal Order, First Class (1993); Kawkab Order, First Class (1996); Nahda Order, First Class (1996) (Jordan). Légion d'honneur, Grand Officier (1997) (France).

Judge Thomas BUERGENTHAL

(Member of the Court since 2 March 2000)

Born 11 May 1934.

B.A., Bethany College, West Virginia (1957); Juris Doctor, New York University School of Law (Root Tilden Scholar) (1960); Master of Laws, Harvard Law School (1961); Doctor of Juridical Science, Harvard Law School (1968). Honorary Doctorates in Law: Bethany College (1981), University of Heidelberg, Germany (1986), Free University of Brussels (VUB), Belgium (1994), State University of New York (Buffalo) (2000), American University (Washington, D.C.) (2002) and University of Minnesota (2003).

Member of the Bars of the State of New York, District of Columbia, and United States Supreme Court.

Instructor in Legal Method, University of Pennsylvania School of Law (1961-1962); Professor of Law, State University of New York (Buffalo) School of Law (1962-1975); Fulbright and Jaworski Professor of International Law, University of Texas School of Law (1975-1980); Dean and Professor of International Law, Washington College of Law, The American University (1980-1985); I. T. Cohen Professor of Human Rights, Emory University School of Law, and Fellow, Carter Center of Emory University (Director, Human Rights Program (1985-1989)); Lobingier Professor of Comparative Law and Jurisprudence and Presiding Director, International Rule of Law Center, The George Washington University Law School (1989-2000).

Chairman, United States Government Delegation to Unesco Specialized Conference on International Education (1974); United States expert, Unesco Meeting of Experts on the Implementation of the 1974 Unesco Recommendation on International Education (1976); Chairman, Human Rights Committee, United States National Commission for Unesco (1976-1979); Chief United States Government Representative, Unesco Executive Board Working Group on Human Rights Procedures (1977 and 1978); Member, Advisory Board, President's Commission on the Holocaust (1978-1979); Vice-President, Unesco Congress on the Teaching of Human Rights, and Chairman, United States Delegation to the Congress (Vienna, 1978); Member, United States Government Delegation, Conference on Security and Co-operation in Europe, Copenhagen (1990); Member, United States Government Delegation, Conference on Security and Co-operation in Europe, Expert Meeting on Democratic Institutions, Oslo (1991); Member, United States Holocaust Memorial Council (1996-2001); Chairman, Committee on Conscience, United States Holocaust Memorial Council (1997-1999).

Judge, Vice-President, President, Inter-American Court of Human Rights (1979-1991); Judge, Vice-President, President, Administrative Tribunal, Inter-American Development Bank (1989-1994); Member, United Nations Human Rights Committee (1995-1999); Member, United Nations Truth Commission for El Salvador (1992-1993); Member, Panels of Conciliators and of Arbitrators, International Centre for Settlement of Investment Disputes, World Bank (since 1997); Arbitrator (1998-2002), Vice-Chairman, Claims Resolution Tribunal for Dormant Accounts in Switzerland (1999-2000).

Rapporteur, Study Panel on International Human Rights Law and Its Implementation, American Society of International Law (1970-1975); Member, Board of Directors, International Institute of Human Rights (René Cassin Foundation), Strasbourg, France (1970-1989); Member, Executive Council, American Society of International Law (1977-1980; 1986-1989); Vice-President, American Society of International Law (1980-1982); Honorary Vice-President (1994-1999); Honorary President (since 2001); Advisory Committee (1980-1986), American Law Institute, Restatement (Third) on the Foreign Relations Law of the United States; Associate Reporter (1978-1980); Chairman, Human Rights Committee, International Law and Practice Section, American Bar Association (1981-1982; 1991-1992); Member, Administrative Council, Blaustein Institute of Human Rights (1996-2000); Member, Kuratorium and Scientific Council, Max Planck Institute for Public International Law, Heidelberg, Germany (since 1984); Founder and President, Inter-American Institute of Human Rights (1980-1992), Honorary President (since 1992); Member, Board of Directors, F. M. van Asbeck Centre for Human Rights Studies, University of Leiden, Netherlands (since 1991); Member, Advisory Board, Brazilian Institute of Human Rights (since 1997); Member, Standing Committee on World Order under Law, American Bar Association (1997-1999); Vice-Chairman, Academic Council, Institute of Transnational Arbitration (since 1998), Member, Executive Committee, ABA Centre for Human Rights (since 2003).

Member of the American Bar Association, American Society of International Law, American Law Institute, Council on Foreign Relations, German Society of International Law.

Pro-Humanitas Prize, West-Ost Kulturwerk (Federal Republic of Germany) (1978); Unesco Human Rights Prize (First Honourable Mention) (1978); Book Award (First Prize) of the Inter-American Bar Association for *Protecting Human Rights in the Americas: Selected Problems* (1982); Distinguished Service in Legal Education Award, New York University Law School Association (1987); Wolfgang G. Friedmann Memorial Award for Outstanding Achievement in International Law, Columbia University Law School (1989); Harry Leroy Jones Award for Outstanding Achievements in Foreign and International Law, Washington Foreign Law Society (1990); Human Rights Prize, Jacob Blaustein Institute for the Advancement of Human Rights (1997); Goler T. Butcher Medal for Excellence in Human Rights, American Society of International Law (1997); Manley O. Hudson Medal, American Society of International Law (2002).

Member of the following Editorial Boards: *American Journal of Comparative Law* (1966-1977); *American Journal of International Law; Human Rights Law Journal; Europäische Grundrechte Zeitschrift; Revue universelle des droits de l'homme*; and *Encyclopedia of Public International Law*.

Author of numerous books, essays and articles. Books include, *inter alia: Law-Making in the International Civil Aviation Organization*, 1969; *International Protection of Human Rights* (with L. B. Sohn), 1973; *Public International Law* (with J. G. Maier), 2nd ed., 1990; *International Human Rights*, 2nd ed., 1995; *Protecting Human Rights in the Americas* (with D. Shelton), 4th ed., 1995; *International Human Rights* (with D. Shelton and D. Stewart), 3rd ed., 2002; *Public International Law* (with

S. Murphy), 3rd ed., 2002; *Grundzüge des Völkerrechts* (C. F. Muller, 1988) (with K. Doehring, H. Maier and J. Kokott), 2nd ed., 1999, 3rd ed., 2003 (Kokott, Doehring and Buergenthal).

Judge Nabil ELARABY

(Member of the Court since 12 October 2001)

Born in Egypt on 15 March 1935.

Licence en droit, Faculty of Law, Cairo University (1955). L.L.M. (Master in International Law), New York University Law School (1969). J.S.D. (Doctor of Juridical Science), New York University Law School (1971). Adlai Stevenson Fellow in International Law, United Nations Institute for Training and Research (UNITAR) (1968). Special Fellow in International Law, UNITAR (1973).

Lecturer in international law and international organizations, Institute for Diplomatic Studies, Egyptian Ministry of Foreign Affairs, Cairo. Partner, Zaki Hashem & Partners, Attorneys at Law.

Legal Adviser to the Egyptian delegation to the United Nations Geneva Middle East peace conference (1973-1975). Legal Adviser and Director, Legal and Treaties Department, Ministry of Foreign Affairs, Cairo (1976-1978, 1983-1987). Legal Adviser to the Egyptian delegation to the Camp David Middle East peace conference (1978). Head of the Egyptian delegation to the *Taba* negotiations (1985-1989). Agent of the Egyptian Government to the Egyptian-Israeli arbitration tribunal (*Taba* dispute) (1986-1988). Appointed by the Egyptian Minister of Justice on the list of arbitrations in civil and commercial affairs in Egypt (since 1995).

Ambassador, Deputy Permanent Representative of Egypt to the United Nations in New York (1978-1981). Ambassador to India (1981-1983). Permanent Representative of Egypt to the United Nations Office at Geneva (1987-1991). Permanent Representative of Egypt to the United Nations in New York (1991-1999).

Chairman, United Nations Special Committee on Enhancing the Principle of the Prohibition of the Use of Force in International Relations (1981-1982). Chairman, Special Committee on the Charter of the United Nations and the Strengthening of the Role of the Organization (1983). Chairman, Working Group on Legal Instruments, United Nations Conference on Environment and Development, Rio de Janeiro (1992). Chairman, Informal Working Group on an Agenda for Peace (1992-1996). Chairman, First (disarmament and international security questions) Committee of the United Nations General Assembly (Forty-seventh Session). Vice-President of the General Assembly (1993, 1994, 1997). President of the United Nations Security Council (June 1996).

Judge, Judicial Tribunal of the Organization of Arab Petroleum Exporting Countries (since 1990). Member of the International Law

Commission of the United Nations (1994-2001). Commissioner at the United Nations Compensation Commission in Geneva (1999-2001).

Arbitrator at the International Chamber of Commerce International Court of Arbitration in Paris in a dispute concerning the Suez Canal (1989-1992). Member of the World Intellectual Property Organization Arbitration and Mediation Centre List of Neutrals. Member of the Board, Cairo Regional Centre for International Commercial Arbitration.

Participant in the workshop entitled "The Adaptation of Structures and Methods at the United Nations" given at the Hague Academy of International Law (1985). Lectured at the Hague Academy of International Law, Columbia University, New York University, Duke University, Yale University, University of Pennsylvania, University of Houston, American Society of International Law, New York Bar Association, Greek Institute of International Law and International Peace Academy in New York and Vienna. Keynote Speaker at the Institut universitaire de hautes études internationales (1993): "The United Nations and the New World Order", Geneva and at the Vienna Diplomatic Academy (1995). Panellist at several meetings of the American Society of International Law (1980-1997).

Member of the Board of Trustees, American University in Cairo. Member of the Board, Egyptian Society of International Law. Member, American Society of International Law. Commissioner, Canberra Commission on the Elimination of Nuclear Weapons. Member, Board of Directors of the Institute of World Affairs, New York. Honorary Senior Fellow, Center for International Studies, New York University Law School (1992-1993). Visiting Scholar, Robert Wagner School of Public Service, New York University. Member of the Governing Board of the Stockholm International Peace Research Institute (SIPRI) (since 2001).

Author of numerous publications.

Judge Hisashi OWADA

(Member of the Court since 6 February 2003)

Born in Niigata, Japan, on 18 September 1932.

B.A., University of Tokyo (1955), LL.B., Cambridge University (1956). D. Phil. *honoris causa*, Keiwa University, Japan (2000), LL.D. *honoris causa*, Banaras Hindu University, India (2001).

Entered the Foreign Service of Japan in 1955. Official, Legal Affairs Division, Ministry of Foreign Affairs (1959-1963). First Secretary, Permanent Mission of Japan to the United Nations (1968-1971). Private Secretary to the Minister for Foreign Affairs of Japan (1971-1972). Director, United Nations Political Affairs Division, Ministry of Foreign Affairs (1972-1974); Director, Treaties Division (1974-1976), Ministry of Foreign Affairs. Private Secretary to the Prime Minister of Japan

(1976-1978). Minister, Embassy of Japan in Washington (1979-1981). Minister, Embassy of Japan in Moscow (1981-1984). Director General, Treaties Bureau (Principal Legal Adviser), Ministry of Foreign Affairs (1984-1987). Ambassador, Permanent Representative of Japan to the OECD (1988-1989). Deputy Minister, Ministry of Foreign Affairs (1989-1991). Vice-Minister for Foreign Affairs (1991-1993). Ambassador, Permanent Representative of Japan to the United Nations (1994-1998). Special Adviser to the Minister for Foreign Affairs of Japan (1999-2003).

Member of the Japanese Delegation to the Second United Nations Conference on the Law of the Sea (1960). Alternate Representative of Japan to the United Nations Conference on the Law of Treaties (1968-1969). Head of the Japanese Delegation to the Committee on Peaceful Uses of the Sea Bed and Ocean Floor (1968-1972). Head of the Japanese Delegation to the Legal Sub-Committee of the United Nations Committee on Peaceful Uses of Outer Space (1968-1970). Head of the Japanese Delegation to the United Nations Special Committee on Friendly Relations (1968-1970); Chairman of the Drafting Committee of the Special Committee (1970). Rapporteur of the Sixth Committee of the United Nations General Assembly, Twenty-fifth Session (1970). Member of the Japanese Delegation to the United Nations General Assembly, Twenty-third to Twenty-fifth Sessions (Sixth Committee) (1968-1970). Alternate Representative of Japan to the United Nations General Assembly, Twenty-seventh to Twenty-eighth Sessions (1972-1973). Alternate Representative of Japan to the Third United Nations Conference on the Law of the Sea (1973-1982). Adviser to the Japanese Delegation to the United Nations General Assembly, Thirty-ninth to Forty-first (1984-1986) and Forty-fourth to Forty-fifth Sessions (1989-1990). Representative of Japan to the United Nations General Assembly, Forty-ninth to Fifty-third Sessions (1994-1998). Representative of Japan to the World Summit for Social Development in Copenhagen (1994). Representative of Japan to the Fourth World Conference on Women in Beijing (1995). Representative of Japan to the Assembly of Heads of State and Government, Organization of African Unity, 31st to 33rd Sessions (1995-1997). Representative of Japan to the General Assembly of the Organization of American States (1996). Representative of Japan to the United Nations Security Council (1997-1998). President of the Security Council (1997, 1998). Representative of Japan to the Ministerial Meeting of the Non-Aligned Movement (1997-1998). Representative of Japan to the Summit Meeting of the Non-Aligned Movement (1998). Head of the Japanese Delegation to the United Nations Diplomatic Conference on the Establishment of an International Criminal Court (1998).

President of the Japan Institute of International Affairs (1999-2003). Senior Adviser to the President of the World Bank (1999-2000). Member of the Permanent Court of Arbitration (since 2001).

Visiting Professor of International Law, Harvard Law School (1979-1981, 1987, 1989, 2000-2002). Adjunct Professor of International

Law and Organizations, University of Tokyo (1963-1965, 1971-1976, 1984-1988). Inge Rennert Distinguished Visiting Professor of International Law, New York University Law School (1994-1998). Adjunct Professor of International Law, Columbia Law School (1994-1998). Professor, Hague Academy of International Law (1999). Professor of International Law and Organizations, New York University Global Law School (1999-2003). Professor of International Law and Organizations, Waseda University Graduate School (2000-2003). Visiting Fellow Commoner of Trinity College, Cambridge University (2002). Academic Adviser, Hiroshima University (since 2002).

Member, Institut de droit international. Honorary Member, Japanese Association of International Law. Member, Executive Council of the Japan Branch, International Law Association.

Honours: Humanitarian Studentship in International Law, Cambridge University (1958-1959). Al-Istiqlal Order, First Degree, Hashemite Kingdom of Jordan (1990). Officier, Légion d'honneur, France (1992). Grand Cross of the Order of Merit, Federal Republic of Germany (1994).

Author of numerous publications on international law.

Judge Bruno Simma

(Member of the Court since 6 February 2003)

Born in Quierschied (Saar), Germany, on 29 March 1941.

Doctorate of Law, University of Innsbruck, Austria (1966). Practice at the Bar in Innsbruck (1967).

Assistant at the Faculty of Law, University of Innsbruck (1967-1972). Universitätsdozent *(venia legendi)* for International Law and International Relations (1971). Professor of International Law and European Community Law, Director of the Institute of International Law, University of Munich (1973-2003). Lecturer for International Law at the Training Centre for Junior Diplomats, German Federal Foreign Ministry (1981-1989). Visiting Professor at the University of Siena, Italy (1984-1985). Visiting Professor (1986 and 1995), Professor of Law (1987-1992), Member of the Affiliate Overseas Faculty (since 1997) of the University of Michigan Law School, Ann Arbor, United States. Lecturer (1995), Director of Studies (1976 and 1982) at the Hague Academy of International Law. Dean of the Munich Faculty of Law (1995-1997).

Member of the United Nations Committee on Economic, Social and Cultural Rights (1987-1996). Member of the United Nations International Law Commission (1996-2003). Member of the Advisory Boards on International Law and on United Nations Issues of the German Federal Foreign Ministry (until 2002).

Was actively engaged in the following cases before the International Court of Justice: *Land and Maritime Boundary between Cameroon and*

Nigeria (*Cameroon* v. *Nigeria: Equatorial Guinea intervening*) as Counsel for Cameroon (1994-2002); *LaGrand* (*Germany* v. *United States of America*) as Co-agent and Counsel for Germany (1999-2001); and *Certain Property* (*Liechtenstein* v. *Germany*) as Counsel for Germany (2001-2002).

Member of the Court of Arbitration for Sport (CAS) of the International Olympic Committee.

Expert at the Council of Europe (Directorate of Legal Affairs) (1972). Expert for the Human Dimension Mechanism of the OSCE and for Conflict Prevention Activities of the Secretary-General of the United Nations. Consultant in cases before the European Commission and the European Court of Human Rights. Consultant on international law to various Governments.

Co-founder of the European Society of International Law (2003). Associate Member of the Institut de droit international. Member of the International Council of Environmental Law. Member of the Advisory Board of the Heidelberg Max Planck Institute of Foreign Public and International Law. Member of the Council (since 1987), Vice-President (1989-1993) of the German Society of International Law. Member of various other professional associations.

Co-founder and co-editor of the *European Journal of International Law*. Member of the advisory boards of various international legal journals and yearbooks.

Certificate of Merit awarded by the American Society of International Law (1996).

Principal publications: *Das Reziprozitätselement in der Entstehung des Völkergewohnheitsrechts*, 1970; *Das Reziprozitätselement im Zustandekommen völkerrechtlicher Verträge. Gedanken zu einem Bauprinzip der internationalen Rechtsbeziehungen*, 1972; *Universelles Völkerrecht. Theorie und Praxis* (together with Alfred Verdross), 1st ed., 1976, 2nd ed., 1981, 3rd ed., 1984; *Territoriale Souveränität und Gebietshoheit. Zur völkerrechtlichen Lage der Oder-Neiße-Gebiete* (together with Alfred Verdross and Rudolf Geiger), 1980; *Europarecht in Fällen* (together with Waldemar Hummer and Christoph Vedder, 1st ed., 1991, 2nd ed., 1994, 3rd ed., 1999; *Kompetenzen und Grundrechte: Beschränkungen der Tabakwerbung aus der Sicht des Europarechts* (together with Joseph H. Weiler and Markus Zöckler), 1999; *International Protection of the Environment. Treaties and Related Documents* (together with Bernd Rüster and Michael Bock), 30 vols., 1975-1983, continued in loose-leaf format 1990 ff.; *Zwischen Intervention und Zusammenarbeit. Interdisziplinäre Arbeitsergebnisse zu Grundfragen der KSZE* (together with Edda Blenk-Knocke), 1979; *Jus humanitatis. Festschrift zum 90. Geburtstag von Alfred Verdross* (together with Herbert Miehsler, Erhard Mock and Ilmar Tammelo), 1980; *United Nations Codification of State Responsibility* (together with Marina Spinedi), 1987; *Charta der Vereinten Nationen: Kommentar*, 1991; *The Charter of the United Nations: A Commentary*, 1st ed., 1995, 2nd ed., 2002; *Neues europäisches Völkerrecht nach dem*

Ende des Ost-West-Konfliktes? (together with Hanspeter Neuhold), 1996; "Reflections on Article 60 of the Vienna Convention on the Law of Treaties and Its Background in General International Law", *Österreichische Zeitschrift für öffentliches Recht*, Vol. 20, 1970; "Völkerrechtswissenschaft und Lehre von den Internationalen Beziehungen. Erste Überlegungen zur Interdependenz zweier Disziplinen", *Österreichische Zeitschrift für öffentliches Recht*, Vol. 23, 1972; "Das Kernkraftwerk an der Grenze: Eine 'Ultra-Hazardous Activity' im Schnittpunkt von internationalem Nachbarrecht und Umweltschutz" (together with A. Randelzhofer), *Festschrift für Friedrich Berber zum 75. Geburtstag*, 1973; "Der Grundvertrag und das Recht der völkerrechtlichen Verträge", *Archiv des öffentliches Rechts*, Vol. 100, 1975; "Methodik und Bedeutung des Arbeit der Vereinten Nationen für die Fortentwicklung des Völkerrechts", *Die Vereinten Nationen im Wandel*, 1975; "Zur bilateralen Durchsetzung vertraglich verankerter Menschenrechte. Aktivlegitimation und zulässige Mittel nach allgemeinem Völkerrecht", *Autorität und internationale Ordnung. Aufsätze zum Völkerrecht* (Christoph Schreuer, ed.), 1979; "Grenzüberschreitender Informationsfluß und domaine réservé der Staaten", *Berichte der Deutschen Gesellschaft für Völkerrecht*, Vol. 19, 1979; "Der Beitrag von Alfred Verdross zur Entwicklung der Völkerrechtswissenschaft" (in collaboration with Michael Bock, Jennifer Clayton and Joachim Krauß), *Jus humanitatis. Festschrift für Alfred Verdross zum 90. Geburtstag*, 1980; "Völkerrecht in der Krise?", *Österreichische Zeitschrift für Außenpolitik*, Vol. 20, 1980; "Zur völkerrechtlichen Bedeutung von Resolutionen der UN-Generalversammlung", *Fünftes deutsch-polnisches Juristen-Kolloquium, Vol. 2: Die Bedeutung der Resolutionen der Generalversammlung der Vereinten Nationen* (Rudolf Bernhardt, Jost Delbrück and Ingo von Münch, eds.), 1981; "Droit international coutumier et droit interne selon la Loi fondamentale", *Völkerrecht und Landesrecht. Deutsch-argentinisches Verfassungsrechtskolloquium in Buenos Aires* (Michael Bothe and R. E. Vinuesa, eds.), 1982; "Consent: Strains in the Treaty System", *The Structure and Process of International Law: Essays in Legal Philosophy, Doctrine and Theory* (R. St. J. Macdonald and D. M. Johnston, eds.), 1983; "Legal Aspects in Intra-(East-West) German Relations", *Maryland Journal of International Law and Trade*, Vol. 9, 1985; "Self-contained Regimes", *Netherlands Yearbook of International Law*, Vol. 16, 1985; "The Antarctic Treaty as a Treaty Creating an 'Objective Regime' ", *Cornell International Law Journal*, Vol. 19, 1985-1986; "Grundfragen der Staatenverantwortlichkeit in der Arbeit der International Law Commission", *Archiv des Völkerrechts*, Vol. 24, 1986; "La immunidad de los Estados", *Derecho Comparado* (Buenos Aires), 1987; "The Court of Arbitration for Sport", *Völkerrecht. Recht der Internationalen Organisationen. Weltwirtschaftsrecht. Festschrift für Ignaz Seidl-Hohenveldern* (K.-H. Böckstiegel, H.-E. Folz, J. M. Mössner and K. Zemanek, eds.), 1988; "Grenzüberschreitende Auswirkungen von Kernkraftanlagen und Völkerrecht" (together with Günther Handl), *Österreichische Zeitschrift für Öffentliches*

Recht und Völkerrecht, Vol. 39, 1988; "Bilateralism and Community Interest in the Law of State Responsibility", *International Law at a Time of Perplexity. Essays in Honour of Shabtai Rosenne* (Y. Dinstein and M. Tabory, eds.), 1989; "International Crimes: Injury and Countermeasures. – Comments on Part 2 of the ILC Work on State Responsibility", *International Crimes of States* (J. H. H. Weiler, A. Cassese and M. Spinedi, eds.), 1989; "Wirtschaftliche, soziale und kulturelle Rechte im Völkerrecht. Der Internationale Pakt von 1966 und sein Kontrollverfahren" (together with Sabine Bennigsen), *Festschrift für Ernst Steindorff zum 70. Geburtstag am 13. März 1990*, 1990; "A Hard Look at Soft Law", *Proceedings 82nd Annual Meeting of the American Society of International Law*, 1991; "The Implementation of the International Covenant on Economic, Social and Cultural Rights", *Die Durchsetzung wirtschaftlicher und sozialer Grundrechte* (Franz Matscher, ed.), 1991; "The Sources of Human Rights Law: Custom, Jus Cogens, General Principles" (together with Philip Alston), *The Australian Yearbook of International Law*, Vol. 12, 1992; "Does the UN Charter Provide an Adequate Legal Basis for Individual or Collective Responses to Violations of Obligations erga omnes?", *The Future of International Law Enforcement: New Scenarios – New Law?* (Jost Delbrück, ed.), 1993; "International Human Rights and General International Law: A Comparative Analysis", *Collective Courses of the European Academy of European Law*, Vol. IV, Book 2, 1994; "Die Erzeugung ungeschriebenen Völkerrechts: Allgemeine Verunsicherung – klärende Beiträge Karl Zemaneks", *Völkerrecht zwischen normativem Anspruch und politischer Realität. Festschrift für Karl Zemanek* (K. Ginther, G. Hafner, W. Lang, N. Neuhold and L. Sucharipa-Behrmann, eds.), 1994; "Countermeasures and Dispute Settlement: A Plea for a Different Balance", *European Journal of International Law*, Vol. 5, 1994; "From Bilateralism to Community Interest in International Law", *Recueil des cours*, Hague Academy of International Law, Vol. 250, 1994; "The Contribution of Alfred Verdross to the Theory of International Law", *European Journal of International Law*, Vol. 6, 1995; "Human Rights", *The United Nations at Age Fifty: A Legal Perspective* (Ch. Tomuschat, ed.), 1995; "The 'International Community': Facing the Challenge of Globalization" (together with Andreas Paulus), *European Journal of International Law*, Vol. 9, 1998; "The Impact of Nuremberg and Tokyo: Attempts at a Comparison", *Japan and International Law, Past, Present and Future* (N. Ando, ed.), 1999; "Human Rights Considerations in Development Cooperation Activities of the European Community" (together with Jo Aschenbrenner and Constanze Schulte), *The European Union and Human Rights* (Ph. Alston *et al.*, eds.), 1999; "The Responsibility of Individuals for Human Rights Abuses in Internal Conflicts: A Positivist View" (together with Andreas Paulus), *American Journal of International Law*, Vol. 93, 1999; "NATO, the UN and the Use of Force: Legal Aspects", *European Journal of International Law*, Vol. 10, 1999; "Le rôle relatif des différentes sources du droit international (dont les principes généraux de droit)" (together with Andreas Paulus), *Droit international pénal*, 2000; "Reciprocity", *Encyclopedia of Public International Law* (Rudolf Bernhardt, ed.), Vol. IV, 2000; "International Adjudication and U.S. Policy – Past, Present, Future", *Democracy and the Rule of Law* (N. Dorsen and P. Gilford, eds.), 2001; "Peaceful Settlement of Boundary Disputes under the Auspices of the Organization of African Unity and the United Nations: The Case of the Frontier Dispute between Eritrea and Ethiopia" (together with Daniel Khan), *Liber Amicorum Judge Shigeru Oda*, Vol. 2 (N. Ando, E. McWhinney and R. Wolfrum, eds.), 2002; Reports on the Work of the International Law Commission at its 49th to 54th sessions, *Nordic Journal of International Law*, 1997-2003; "Staatenverantwortlichkeit und Menschenrechte im ILC-Entwurf 2001", *Verhandeln für den Frieden – Negotiating for Peace: Liber Amicorum Tono Eitel* (Jochen Abr. Frowein, Klaus Scharioth, Ingo Winkelman and Rüdiger Wolfrum, eds.), 2003.

Judge Peter Tomka

(Member of the Court since 6 February 2003)

Born in Banská Bystrica, Slovakia, on 1 June 1956.

LL.M. (*summa cum laude*), Faculty of Law, Charles University, Prague (1979). *Doctor juris* (international law), Charles University (1981). Ph.D. in International Law, Charles University (1985). Faculty of International Law and International Relations, Kiev, Ukraine (1982). Institut du droit de la paix et du développement, Nice, France (1984-1985). Institute of International Public Law and International Relations, Thessaloniki (1985). Hague Academy of International Law (1988).

Assistant Legal Adviser (1986-1990); Head of the Public International Law Division (1990-1991), Ministry of Foreign Affairs, Prague. Counsellor and Legal Adviser (1991-1992), Permanent Mission of Czechoslovakia to the United Nations. Ambassador, Deputy Permanent Representative (1993-1994), and Ambassador, Acting Permanent Representative of Slovakia to the United Nations (1994-1997). Director of the International Law Department (1997-1998); Director General for International Legal and Consular Affairs – Legal Adviser (1998-1999), Ministry of Foreign Affairs, Bratislava, Slovakia. Ambassador, Permanent Representative of Slovakia to the United Nations (1999-2003).

Chairman of the United Nations Committee on the Applications for Review of the Judgements of the Administrative Tribunal (1991). Vice-Chairman of the Sixth (Legal) Committee of the United Nations General Assembly (1992). Chairman of the Working Group on the United Nations Decade of International Law (1995). Chairman of the Meeting of the States Parties to the International Covenant on Civil and Political Rights (1996). Vice-President of the Sixth Meeting of the States Parties to the United Nations Convention on the Law of the Sea (1996). Chairman of the Sixth (Legal) Committee of the Fifty-second Session of the United Nations General Assembly (1997). Vice-Chairman of the Preparatory Committee for the International Criminal Court (1998). President of the Ninth Meeting of the States Parties to the United Nations Convention on the Law of the Sea (1999). Member (1999-2003), Second Vice-Chairman (2000), Chairman of the Drafting Committee (2001), United Nations International Law Commission. Chairman of the *Ad Hoc* Committee on the International Convention against the Reproductive Cloning of Human Beings (2002). Member of the Ambassadorial Panel of Experts to advise the Division for Ocean Affairs and the Law of the Sea (2002).

Representative of Czechoslovakia to the Preparatory Commission for the International Sea Bed Authority and the International Tribunal for the Law of the Sea (1987-1992). Alternate Representative of Czechoslovakia in the United Nations General Assembly, Forty-sixth and Forty-seventh Sessions, and Adviser at the Forty-fifth Session (1990-1992). Representative of Czechoslovakia in the Sixth Committee (1990-1992). Head of the Delegation of Czechoslovakia to the Meeting of the States Parties to the Antarctic Treaty, Madrid (1991). Head of the Delegation of Czechoslovakia to the CSCE Meeting of Experts on the Peaceful Settlement of Disputes in Europe, Valletta, Malta (1991). Representative of Slovakia to the United Nations General Assembly, Forty-eighth to Fifty-seventh Sessions (1993-2002), and Deputy Head of delegation at the Forty-ninth to Fifty-first and Fifty-fourth to Fifty-seventh Sessions. Representative of Slovakia in the Sixth Committee (1993-2002). Representative of Slovakia to the Preparatory Commission for the International Sea Bed Authority and the International Tribunal for the Law of the Sea (1993-1994). Head of the Delegation of Slovakia to the Assembly of the International Sea Bed Authority (1994-1996). Alternate Head of the Delegation of Slovakia to the Diplomatic Conference on the Establishment of the International Criminal Court (1998).

Agent of Slovakia before the International Court of Justice in the case concerning the *Gabčikovo-Nagymaros Project (Hungary/Slovakia)* (1993-2003).

Expert of Slovakia in the ICSID case No. ARB/97/4, *Československá obchodni banka (CSOB) v. The Slovak Republic* before the International Centre for Settlement of Investment Disputes (Jurisdiction) (1997-1999).

Member of the Permanent Court of Arbitration (1994). Vice-Chairman (1999-2000) and Chairman (2001-2002) of the Committee of the Legal Advisers on Public International Law, Council of Europe. Arbitrator in the *Iron Rhine (Belgium/Netherlands)* case (since 2003).

Delegate of Czechoslovakia to the XXVth International Conference of the Red Cross, Geneva (1986).

Legal Adviser of the Czechoslovak Delegation at the negotiations on the withdrawal of Soviet military forces from Czechoslovakia

(1989-1990). Legal Adviser of the Czechoslovak Delegation at the negotiations concerning the dissolution of the Warsaw Pact (1991).

Assistant (1980-1984), Reader (1984-1991), Public International Law, Charles University, Prague. General Course on Public International Law, Institute of International Relations, Comenius University, Bratislava (1998-1999).

Member (1981-1992) and Secretary (1986-1991) of the Czechoslovak Society of International Law. Member (1988-2001) and Secretary (1988-1991) of the Czechoslovak Branch of the International Law Association. Member (since 1982) and Honorary President (since 2003) of the Slovak Society of International Law. Member of the American Society of International Law (since 2000). Member, Board of Editors, Právnik (*The Lawyer*), published by the Czechoslovak Academy of Science (1990-1991).

Author of numerous publications on international law.

II. Members of the Court Whose Terms of Office Ended during the Period under Review

Judge Shigeru Oda

(Member of the Court from 6 February 1976 to 5 February 2003; member of the Chamber formed to deal with the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening)*, 1986-1992, and of the Chamber formed to deal with the case concerning *Elettronica Sicula S.p.A. (ELSI)*, 1987-1989; Vice-President of the Court from 1991 to 1994; Acting President in the cases concerning *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United Kingdom)* and *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United States of America)*)

Born on 22 October 1924.

Law degree, University of Tokyo (1947). Doctor of Law (JSD), Yale University (1953). Doctor of Law, University of Tôhoku (1962). Presently Professor Emeritus of the Tôhoku University (since 1985) and Member of the Japan Academy (since 1994). Awarded the Yale Law School Medal of Merit (1997). Doctor *honoris causa* of the Bhopal University, India (1980), and of the New York Law School (1981).

Research Fellow in international law, University of Tokyo (1947-1949). Lecturer (1950-1953), Associate Professor (1953-1959) and Professor (1959-1976) at Tôhoku University. Technical Adviser to the Atomic Energy Commission (1961-1964) and to the Council for Marine Science and Technology in the Prime Minister's Office (1968-1971). Special Assistant to the Minister for Foreign Affairs (1973-1976). Member of the Science

Council of the Ministry of Education (1969-1976), of the Council for Ocean Development in the Prime Minister's Office (1971-1976), and of the Advisory Committee for Co-operation with the United Nations University (1971-1976).

Delegate to the United Nations Conferences on the Law of the Sea (1958, 1960 and 1973-1975); member of the United Nations Group of Experts on Marine Science and Technology (1967-1968); Alternate Representative of Japan on the United Nations Committee on the Peaceful Uses of the Sea-bed and Ocean Floor (1968-1973); Legal Consultant to the ESCAP Committee for Co-ordination of Joint Prospecting for Mineral Resources in Asian Offshore Areas (1969, 1972 and 1975). Member of the panel of the International Atomic Energy Agency on the Legal Implications of the Disposal of Radio-active Waste into the Sea (1961-1963) and of the Agency's group of experts for the Study of the Character and Purpose of Appropriate Observation of Peaceful Nuclear Explosions (1970). Representative of Japan at the sixth General Conference of the Inter-Governmental Oceanographic Commission (1969); Chairman of the Working Group on Legal Questions related to Scientific Investigations of the Ocean (1968-1975). Alternate Member of the Asian-African Legal Consultative Committee (1971-1975).

Counsel for the Federal Republic of Germany before the International Court of Justice in the *North Sea Continental Shelf (Federal Republic of Germany/Denmark; Federal Republic of Germany/Netherlands)* cases (1968).

Member of the Executive Council of the International Law Association of Japan. Associate (1969), Member (1979) and Honorary Member (2001) of the Institute of International Law (Institut de droit international). Honorary life Member of the American Society of International Law (1975). Honorary Member of the Japanese Society of International Law (1975). Honorary Member of the Indian Society of International Law. Member of the Curatorium of the Hague Academy of International Law (since 1987); Member of the Curatorium of the Institute of International Public Law and International Relations (Thessaloniki). Member of the International Council of Arbitration for Sport (since 1994). Member of the Board of the International Development Law Institute (since 1995).

Editor-in-chief of the *Japanese Annual of International Law* (1973-1977). General editor for *Publications on Ocean Development* and *International Law in Japanese Perspective* of Kluwer Law International (Martinus Nijhoff).

Lecturer on the "International Law of the Resources of the Sea" and on "The International Court of Justice Viewed from the Bench (1976-1993)" at the Hague Academy of International Law (*Recueil des cours*, Vol. 127, 1969, and Vol. 244, 1993).

Publications: in English – *International Control of Sea Resources*, reprinted edition with a new introduction, 1989; *The International Law of the Ocean Development* (4 vols.), 1972-1979; *The Law of the Sea in Our*

Time (2 vols.), 1977; *International Law of the Resources of the Sea*, reprinted edition with supplement (1979); *The Practice of Japan in International Law 1961-1970* (edited with H. Owada), 1982; in Japanese — *International Law of the Sea* (1956, revised ed. 1969); *International Law of Marine Resources* (3 vols.), 1971-1975; *Judicial Decisions of the Japanese Courts involving International Law* (edited with T. Sogawa), 1978, revised and updated edition, 1991; *The Law of the Sea*, Vol. I, 1979; *The Law of the Sea: 25 Years of Recollections*, 1981; *Treaties and Conventions* (edited with Y. Ishimoto), 1983, sixth revised ed., 1996; *Commentary on the United Nations Convention on the Law of the Sea*, Vol. I, 1985; *The International Court of Justice*, 1987; *A Collection of Essays on the Law of the Sea*, 1989; and various articles on international law in English and in Japanese.

Judge Géza HERCZEGH

(Member of the Court from 10 May 1993 to 5 February 2003)

Born in Nagykapos, on 17 October 1928.

Educated at French Grammar School in Gödöllö, Hungary.

Bachelor's degree in law, University of Szeged (1951); Candidate in Jurisprudence (Ph.D.) (1965); Doctor *honoris causa* at the Law Faculty of the University of Marburg, Germany (1990) and of the University of Pécs, Hungary (2000); Corresponding Member (1985), and Member of the Hungarian Academy of Sciences (1990); Vice-President of the Department of Legal and Economic Sciences of the Hungarian Academy of Sciences (1990-1993).

Research Fellow in public international law at the Institute of Political Sciences, Budapest (1951-1967); studies as Senior Fellow at various institutes, for example in Paris (1966), Salzburg (1970); Professor of Law, Head of the International Law Department of the Law Faculty of the University of Pécs (1967-1990); Dean of the Law Faculty of the University of Pécs (1981-1987); lectured in international humanitarian law at several universities (e.g., Bayreuth, Bratislava, Cambridge, Cracow, Exeter, Graz, Marburg, Moscow, Osijek, Novi Sad, Vienna) (1970-1985); lecturer in seminars for the implementation and dissemination of international humanitarian law, Warsaw (1985), Vegimont (1989).

Judge and Vice-President of the Constitutional Court of the Republic of Hungary (1990-1993).

Represented the Hungarian Red Cross Society as expert on international humanitarian law at the conferences of The Hague (1971), Vienna (1972), Tehran (1973), Monaco (1984); governmental expert on international humanitarian law at the conferences of Geneva (1971 and 1972); member of the Hungarian delegation at the Diplomatic Conference of Geneva on the protection of victims of armed conflicts

(1974-1977); served as Vice-President of the Third Commission of the same Conference; member of the Hungarian delegation at the Unesco Conference in Sophia (1985); Rapporteur at the Third Conference on Parliamentary Democracy organized by the Council of Europe on the topic "Problems of Transition from an Authoritarian or Totalitarian Régime to a Genuinely Democratic System", Strasbourg (1991); member of the expert working group ("Badinter Group") preparing the draft convention on peaceful settlement of disputes within the framework of the Conference on Security and Co-operation in Europe, Paris (1992).

Author of the following works: *The Colonial Question and International Law* (in Hungarian), 1962; *General Principles of Law and the International Legal Order*, Series in Foreign Languages, 1969; *Development of International Humanitarian Law*, 1984; *Foreign Policy of Hungary, 896-1919* (in Hungarian), 1987; *From the Attentat of Sarajevo to the Potsdam Conference* (in Hungarian), 1999; and of numerous articles in international law and relations, especially in international humanitarian law and on the rights of minorities.

Judge Carl-August FLEISCHHAUER

(Member of the Court from 6 February 1994 to 5 February 2003)

Born in Düsseldorf, Germany, on 9 December 1930.

Studied at the Universities of Heidelberg, Grenoble and Paris. First State Examination (Law), Heidelberg (1954). Fulbright Scholar, University of Chicago Law School (1954-1955). Junior Barrister Düsseldorf/Heidelberg (1955-1959). Dr. jur., Heidelberg. Second State Examination (Law), Stuttgart (1960). Hague Academy of International Law (1960).

Research Fellow at the Max-Planck Institute for Comparative Public Law and International Law, Heidelberg (1960-1962).

Entered the foreign service of the Federal Republic of Germany in 1962. Foreign assignments to Tehran (1962-1963) and Montevideo (1969-1971). Official (1964-1969), Deputy Head (1971) and Head (1972), International Law Section, Legal Department, Federal Foreign Office. Principal Legal Adviser to the Federal Foreign Office and Director-General of the Legal Department (1976-1983).

Member of the Committee of Experts on Human Rights, Council of Europe, Strasbourg (1964-1967). Member of the delegation of the Federal Republic of Germany to the United Nations Conference on the Law of Treaties, Vienna (1968-1969). Observed Sixth Committee during parts of the twenty-third and twenty-fourth sessions of the General Assembly for the then Observer Mission of the Federal Republic of Germany (1968 and 1969). Member of the delegation of the Federal Republic of Germany to the United Nations General Assembly (twenty-eighth to thirty-third sessions as Adviser and Special Adviser, thirty-fourth to thirty-seventh sessions as Alternate Representative) (1973-1982). Alternate Representative and Representative of the Federal Republic of Germany in the Sixth Committee. Representative of the Federal Republic of Germany (1978-1979), on the *Ad Hoc* Committee of the Sixth Committee on the elaboration of the International Convention against the Taking of Hostages. Member of the delegation of the Federal Republic of Germany to the CSCE (Geneva Phase, Helsinki Final Phase) (1974-1975). Member (Vice-Chairman) of the delegation of the Federal Republic of Germany to the Diplomatic Conference on Humanitarian Law applicable in Armed Conflicts, Geneva (1974-1977). Head of the delegation of the Federal Republic of Germany to the United Nations Conference on State Succession in relation to Treaties, Vienna (1977-1978). Member (from 1977 Vice-Chairman) of the delegation of the Federal Republic of Germany to the Third United Nations Conference on the Law of the Sea (1974-1982). Has participated in numerous bilateral meetings and negotiations.

Under-Secretary-General for Legal Affairs, the Legal Counsel of the United Nations (1983-1994).

Was actively engaged, on the side of the Federal Republic of Germany, in the following cases before the Court: *North Sea Continental Shelf (Federal Republic of Germany/Denmark; Federal Republic of Germany/Netherlands)* (1967-1969); and *Fisheries Jurisdiction (Federal Republic of Germany v. Iceland)* (1972-1974). Was actively engaged, on the side of the United Nations, in the advisory cases on the: *Application for Review of Judgement No. 333 of the United Nations Administrative Tribunal* (1984-1987); *Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947* (1988); and *Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations* (1989).

Honorary member of the Indian Society of International Law (since 1985). Member of the German Society of International Law and, since 1977, of the Council of the Society. Member of the American Society of International Law. Member of the Société française pour le droit international. Former Member of the Curatorium of the Max-Planck Institute for International and Foreign Public Law, Heidelberg (1975-2003). Member of the Heidelberg Society for International and Foreign Public Law.

Awarded the German Cross of Merit, First Class, and several foreign decorations (all before 1983).

Author of numerous publications on international law.

III. JUDGES *AD HOC*

Article 7, paragraph 3, of the Rules of Court provides that judges *ad hoc* are to take precedence after the Members of the Court and in order of seniority of age.

Judge *ad hoc* Sir Robert Yewdall JENNINGS

(Judge *ad hoc* in the case concerning *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya* v. *United Kingdom)*)

Born on 19 October 1913.

Studied at Cambridge University, obtaining the degrees of M.A. and LL.B. and subsequently at Harvard University (Choate Fellow, 1936-1937).

Honorary Doctor of Law, Universities of Hull (1987), Saarland (1988), Rome (1990), Cambridge (1993), Leicester and Oxford (1996).

Assistant Lecturer in Law, London School of Economics (1938-1939) and Honorary Fellow (1994). Lecturer (1946-1955) and subsequently Whewell Professor of International Law in the University of Cambridge (1955-1982). Reader in International Law to the Inns of Court Council of Legal Education (1959-1970).

Fellow (since 1939), Senior Tutor (1949-1955) and sometime President of Jesus College, Cambridge.

Called to the Bar of Lincoln's Inn (1943); Honorary Bencher of Lincoln's Inn (since 1970); Queen's Counsel (since 1969).

Counsel in the *Rio Encuentro, Beagle Channel*, Franco-British *Continental Shelf Delimitation* and Dubai-Sharjah *Frontier Delimitation* arbitrations; appeared as Counsel before the Court in the *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)* case.

Sometime legal consultant to a number of Governments (Argentina, Bangladesh, Brunei, Canada, Sudan, Venezuela, Sharjah, etc.).

Judge *ad hoc*, European Court of Human Rights, in *X* v. *United Kingdom* (1982).

Member of the Permanent Court of Arbitration (since 1982).

President of the PCA Arbital Tribunal in the *Eritrea-Yemen Arbitration* (1996-1999).

Member (1982-1995) and President (1991-1994) of the International Court of Justice; member of its Chamber formed to deal with the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening)* (1986-1992) and its Chamber formed to deal with the case concerning *Elettronica Sicula S.p.A. (ELSI)* (1987-1989).

Public International Law Editor of the *International and Comparative Law Quarterly* (1957-1959). Editor of the *British Year Book of International Law* (1959), first with Sir Humphrey Waldlock and then as senior editor from 1974 to 1982.

Associate (1957), Member (1967), Vice-President (1979), President (1981) and Honorary Member (1985) of the Institute of International Law.

Honorary Life Member of the American Society of International Law and of the Indian Society of International Law.

Received the Manley Hudson Medal of the American Society of International Law (1993).

Gave the general course on principles of international law at the Hague Academy of International Law (1967).

Author of *Acquisition of Territory in International Law* (1963); *Oppenheim's International Law* (9th ed.), Vol. I, with Sir Arthur Watts; *Collected Writings of Sir Robert Jennings*, 2 vols., 1998; and various articles, mainly in the *British Year Book of International Law*.

Judge *ad hoc* Kéba MBAYE

(Judge *ad hoc* in the case concerning the *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon* v. *Nigeria: Equatorial Guinea intervening)*)

Holder of the diploma of advanced studies in private law (Paris); holder of the certificate of the Ecole nationale de la France d'outre-mer (Magistrature Department).

Honorary First President of the Supreme Court.

Former President of the Constitutional Council of Senegal.

Former lecturer at the Faculty of Law of the University of Dakar and at the Ecole nationale d'administration of Senegal (1967-1978).

Doctor *honoris causa* of the Universities of Lille II, Savoie and Nice (France), Bhopal (India) and Emory (United States of America).

Member of the International Court of Justice (6 February 1982 to 5 February 1991); Vice-President of the Court (1987 to 1991); formerly judge *ad hoc* in the cases concerning the *Arbitral Award of 31 July 1989 (Guinea-Bissau* v. *Senegal)* and the *Request for Interpretation of the Judgment of 11 June 1998 in the Case concerning the* Land and Maritime Boundary between Cameroon and Nigeria (Cameroon *v.* Nigeria), Preliminary Objections *(Nigeria* v. *Cameroon)*.

Has been a member of various United Nations bodies and has in particular participated as member and chairman in the work of the Commission on Human Rights, the Commission responsible for seeking the settlement of any dispute between States Parties to the Convention against Discrimination in Education, the Special Committee to investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, and of the *Ad Hoc* Working Group of Experts to investigate violations of human rights in southern Africa; former member of the ILO Committee of Experts.

Vice-Chairman of the Executive Committee of the International Institute of Human Rights (René Cassin Foundation); Honorary Member of the International Institute of Humanitarian Law; former Chairman of the International Commission of Jurists; Honorary President of the World

Federation of United Nations Associations; former President of the International Academy of Human Rights; Member of the Société française pour le droit international; Vice-President of the Institut international de droit d'expression française.

General Rapporteur at the Organization of African Unity Conference which adopted the African Charter on Human and Peoples' Rights.

Honorary Member of the Belgian Académie royale des sciences d'outre-mer; Member of the International Academy of Comparative Law, of the International Law Association, and of the Académie française des sciences d'outre-mer. Vice-President of the Curatorium of the Hague Academy of International Law; Honorary Member of the Institute of International Law; former Vice-Chairman of the ICC International Court of Arbitration; President of the Court of Arbitration for Sport and of the International Council of Arbitration for Sport.

Author of numerous publications concerning the law of Senegal, the law of sub-Saharan Africa, human rights in general, and in particular the right to development, the law of sport. Gave a lecture on "'Interest to Act' before the International Court of Justice" at the Hague Academy of International Law (1988).

Judge *ad hoc* François Ernest Robert RIGAUX

(Judge *ad hoc* in the case concerning *Oil Platforms (Islamic Republic of Iran v. United States of America)*)

Born in Ixelles, Belgium, on 26 March 1926.

Bachelier of Philosophy (1945); Doctor of Law (1947); Licencié in Criminal Science (1948); Agrégé in Law (1956); Doctor *honoris causa* of the University of Dijon (1981).

Senior Lecturer (1955), Assistant Professor (1959) and Professor (1961) in the Faculty of Law of the Université catholique de Louvain. Subjects taught: civil law (persons and property); private international law; protection of the individual and of privacy. Dean of the Faculty of Law (1980-1984), and President of the International Law Department of the Université catholique de Louvain. Professor emeritus at the Université catholique de Louvain (1991) and Visiting Professor, Faculty of Law (1991-1992; 1992-1993). Visiting Professor, Catholic University, Brussels (1993-1994 and 1994-1995) and University Faculties at Saint Louis, Brussels (1995-2000).

As well as courses and lectures at various foreign universities, particularly in Florence, Bremen, Barcelona, Caracas, Caceres, Geneva, Hamburg, Madrid, Milan, Munich, Nancy, Regensburg, Rio de Janeiro, Würzburg and Baton Rouge, gave courses as follows: a course at the Hague Academy of International Law on change of connecting factors in private international law (1966), published in the collection *Recueil des cours*; the General Course on Private International Law in 1989 on "Les situations juridiques individuelles dans un système de relativité générale", also published in the *Recueil des cours*; Visiting Professor at the Université Lovanium, Kinshasa (1970); holder of the Francqui Professorship at the Université libre de Bruxelles (1975-1976 academic year), where he taught a course entitled "Droit public et droit privé dans les relations internationales" (published in 1977); course at the Institut des hautes études internationales (Paris, 1978-1979 academic year) on the new international economic order (published in the Institute's "collection des cours et travaux"); Director of Studies of the 1979 summer programme of the Institut universitaire de Luxembourg on the impact of the EEC on the private international law of its member States (work published in 1980). Holder of the Francqui Professorship in the Faculty of Law of the Katholieke Universiteit Leuven (Catholic University of Louvain) (1980-1981 academic year), where he taught a course on "Le pluralisme juridique". Holder of the Francqui Professorship at the Facultés universitaires Notre-Dame de la Paix, Namur (1991-1992 academic year), where he taught a course on "La liberté de la vie privée". Holder of the Francqui Professorship at the University of Ghent (1996-1997) where he taught a course on "Le règlement juridictionnel des conflits de normes". Invited to give lectures at the Tunis Faculty of Law (1988 and 1989), the Florence Faculty of Political Science (1988), the Faculty of Law of the Université d'Aix-Marseille (1991-1992) and the Faculty of Law of Louisiana State University, Baton Rouge (1994-1995).

Served on Ph.D. examining boards at the Universities of Antwerp, Barcelona, Dijon, Ghent, Lyons, Nice, Paris, Reims, Strasbourg and Tunis.

Member of the Bar of Brussels (1947-1954). Deputy Royal Procurator (1954-1963). At present, Honorary Deputy Royal Procurator. Assessor, Legislation Section of the Conseil d'Etat (1966-1991), authorized by Royal Order to bear the honorary title of that function.

Member of the Constitutional Court of the Federation of Bosnia and Herzegovina (1996-2001).

Member of the Institute of International Law (and Third Vice-President from 1983 to 1985). Member of the Institut belge de droit comparé. Former President of the Société belge de droit international. Former President of the scientific council of the *Revue belge de droit international*. Member of the Académie royale de Belgique. (Associate) Member of the International Academy of Comparative Law.

Winner of the Prix des Anciens Présidents et du *Journal des tribunaux* awarded to a first-year trainee (1947-1948 judicial year). Winner of the Emile van Dievoet Prize (period 1951-1955) for his work entitled: *La théorie des qualifications en droit international privé*. Winner of the "Legatum Visserianum" Prize awarded in January 1962 by the College of Curators of Leiden University for a dissertation on Representation in Comparative Private International Law, submitted on 1 March 1959. Winner of the José A. Negri Prize awarded by the Federal Council of Argentine Notaries for the collective work "Les régimes matrimoniaux et les successions en droit international privé", edited by him in 1961 on the occasion of the Seventh International Congress of Latin Notaries.

Officer of the Order of Leopold (1968). Commander of the Order of the Crown (1977). Grand Officer of the Order of Leopold (1988).

Principal publications: *La théorie des qualifications en droit international privé*, 1956; *Le statut de la représentation en droit international privé*, 1959; *La nature du contrôle de la Cour de cassation*, 1966; *Précis de droit international privé*, 1968; *Précis de droit des personnes*, Vol. I: *Les relations familiales*, 1971, updated with the collaboration of M. T. Meulders-Klein, 1978; *Introduction à la science du droit*, 1974; *Droit public et droit privé dans les relations internationales* (publication of the *Revue générale de droit international public*, No. 26), 1977; *Droit international privé*, Vol. I: *Théorie générale*, 1977, revised 2nd ed., 1987; Vol. II: *Droit positif belge*, 1979, revised 2nd ed. with the collaboration of Marc Fallon, 1993; *Pour un autre ordre international*, Droit économique 2, Institut des hautes études internationales de Paris, 1979-1980; *Derecho internacional privado, parte general*, translation and adaptation to Spanish law of Volume I of *Droit international privé*, by Mrs. A. Borras Rodriguez, 1985; *La Carta di Algieri*, translated by Anna Lo Monaco, 1988; "Les situations juridiques individuelles dans un système de relativité générale (Cours générale de droit international privé)", *Recueil des cours*, Hague Academy of International Law, Vol. 213, 1989; *Pour une déclaration universelle des droits des peuples*, 1990; *La protection de la vie privée et des autres biens de la personnalité*, 1990; *La vie privée, une liberté parmi les autres?*, 1992; *La loi des juges*, 1997; *A lei dos juizes* (Brazilian translation), 2000; (Portuguese translation), 2000; *La legge dei giudici* (Italian translation), 2001; *Plaisir, interdits et pouvoir*, 2000.

Judge *ad hoc* Krzysztof SKUBISZEWSKI

(Judge *ad hoc* in the case concerning *Gabčikovo-Nagymaros Project (Hungary/Slovakia)*)

Born in Poznań, Poland, on 8 October 1926.

Faculty of Law and Economic Sciences, University of Poznań (*magister juris*) (1945-1949); Doctor *juris* (1950); European University Centre (Diploma of European Higher Studies), University of Nancy, France (1957); Harvard Law School (Master of Law) (1957-1958); "Habilitation" in International Law at the Adam Mickiewicz University in Poznań (1960); Doctor *honoris causa* of the Universities of Ghent, Liège, Turin, Mainz, Geneva and Warsaw (Cardinal Wyszynski University).

Assistant teacher and lecturer, Faculty of Law, Adam Mickiewicz University in Poznań (1948-1960); Dozent, Faculty of Law, Adam Mickiewicz University in Poznan (1961-1973), Pro-Dean at that Faculty (1961-1963); Visiting Scholar, School of International Affairs, Columbia University, New York (1963-1964); Visiting Professor at the Law Faculty, University of Geneva (1971 and 1979); Visiting Fellow, All Souls College, Oxford (1971-1972); Professor, Institute of Law, Polish Academy of Sciences, Warsaw (1973-1996); Honorary Professor, University of Bucharest.

Lectures at the Universities of Nottingham and London; International Faculty of Comparative Law in Strasbourg; Graduate Institute of International Studies at Geneva; College of Europe at Bruges, Belgium, and also the Clubs of International Law of Harvard, Duke and Oxford Universities; Max-Planck Institute in Heidelberg; Universities of Vienna and Graz; Faculty of Law, University of Paris II; Royal Institute of International Affairs, Chatham House; All Souls College, Oxford; Institut d'Etudes Politiques de Paris; Free University, Berlin; also Hersch Lauterpacht Lectures, Cambridge (1985); Cyril Foster Lecture, Oxford (1990); Lord Wilberforce Lecture (1990); Hugh Gaitskell Lecture (1991); Hague Academy Jubilee Lecture (1998); and numerous other lectures in European, American, Australian and Asian Societies of Political and Legal Sciences or International Relations.

Member of "Solidarity" (since 1980); Member of the Primate of Poland Social Council (1981-1984); Member of the Co-ordinating Committee of the Poland-Federal Republic of Germany Forum, representing the secretariat of the Polish Episcopate (1984-1989); Member of the Consultative Council to the Chairman of the Council of State of the Polish People's Republic (1986-1989); Minister for Foreign Affairs (1989-1993).

Member (since 4 December 1993) and President (since 16 February 1994) of the Iran-United States Claims Tribunal.

Member, Bureau of the Court of Conciliation and Arbitration within the Organisation for Security and Co-operation in Europe (OSCE), Geneva (1995-2000).

Judge *ad hoc* in the International Court of Justice in the case concerning *East Timor (Portugal* v. *Australia)*.

Chairman of the Arbitration Tribunal Netherlands/France set up under the Rhine Convention of 1976.

Co-founder and first Chairman of the Council on Foreign Policy (Warsaw, since 1996).

Member of the Academies of Sciences of Warsaw and of Cracow; Correspondent, Institut de France; Member, Society of Arts and Sciences, Poznań; Western Institute, Poznań; International Law Association (Polish branch); Institut de droit international (First Vice-President, 1995-1997); American Society of International Law (Honorary Member, 1991); Société française pour le droit international; Deutsche Gesellschaft für Völkerrecht; Oxford Society; Codrington Club; Honorary Bencher, Gray's Inn. Curator, United Nations Student Association, Poznań (1960-1973).

Gold Cross of Merit (1977); Knight's Cross of the Order of Polonia Restituta (1986); Grand Cross of the same Order (1993); Cavaliere di Gran Croce, Ordine Piano (Holy See, 1991); Grand Officier de la Légion d'honneur (1991); Grosskreuz des Verdienstordens der Bundesrepublik Deutschland (1991); Order of Diplomatic Merit of the Republic of Korea (1991); Cross of Merit of the Republic of Hungary (1994); Giedymin Order of Lithuania (2001). Austrian Honorary Cross of Science and Art.

Alexander von Humboldt Foundation research prize (1984); Wartburg Prize, Germany (1992); Robert Schuman Gold Medal (1999); German-Polish prize (1999, awarded by virtue of Article 35 of the Treaty of 1991 between the two States).

Author of five books and over 100 articles in law journals or collections of studies, also chapters in collective books and reports, on legal aspects of Polish-German relations, in particular the border between the two countries; use of force by States and law of armed conflicts; law of international organizations; theory of international law, including its sources; rights of individuals.

Judge *ad hoc* Christopher G. WEERAMANTRY

(Judge *ad hoc* in the case concerning *Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia)*)

Born in Colombo, Sri Lanka, on 17 November 1926.

B.A.; LL.B.; LL.D. (University of London); LL.D. *(honoris causa)* (University of Colombo). LL.D. *(honoris causa)* (Monash University); L.L.D. *(honoris causa)* (National Law School of India).

Advocate, Supreme Court of Sri Lanka (1948-1965). Lecturer and Examiner, Council of Legal Education, Sri Lanka (1951-1956). Commissioner of Assize, Supreme Court of Sri Lanka (1965-1967). Justice of the Supreme Court of Sri Lanka (1967-1972). Member, Council of Legal Education, Sri Lanka (1967-1972). Honorary Visiting Professor, University of Colombo (since 1984). Honorary Life Member, Bar Association of Sri Lanka.

Sir Hayden Starke Professor of Law, Monash University, Melbourne, Australia (1972-1991). Emeritus Professor of Law, Monash University (since 1991). Chairman, Commission of Inquiry into International Responsibility for Phosphate Mining on Nauru (1987-1988).

Panellist, Unesco Seminar on Teaching of Human Rights, Canberra (1980); Member, United Nations University Task Force on Human Rights (1982); Vice-Chairman, United Nations Centre against *Apartheid*/Government of Nigeria Conference on Legal Status of *Apartheid* Régime, Lagos (1984); Panellist, SCOPE/ENUWAR/UNU (Scientists' Committee on Problems of the Environment/Environmental Consequences of Nuclear War/United Nations University), International Conference on Nuclear Danger, Tokyo (1985); Lecturer, United Nations Human Rights Commission Seminar commemorating 40th anniversary of Universal Declaration of Human Rights, Palais des Nations, Geneva (1988); Editor, United Nations University/United Nations Human Rights Commission's two-volume study on Science, Technology and Human Rights (1988-1990); Co-ordinator, United Nations University/Netherlands Institute of Human Rights Workshop on Science, Technology and Human Rights, Utrecht (1989).

Visiting Professorships and Academic Appointments: University of Tokyo (1978); University of Stellenbosch (1979); University of Papua New Guinea (1981); University of Florida (1984); Lafayette College, Pennsylvania (1985); University of Hong Kong (1989).

Member of the International Court of Justice (6 February 1991 to 5 February 2000); Vice-President of the Court (1997 to 2000).

Member, Editorial Board: *Sri Lankan Journal of International Law*; *Human Rights Quarterly*, Johns Hopkins University; *Interdisciplinary Peace Research*, La Trobe University; *Journal of Ceylon Law*; Advisory Board, *China Law Reports*; *Georgetown International Environmental Law Review*; Editorial Advisory Board, *Asia Pacific Journal of Environmental Law*; Board of Recommendation, *Yearbook of International Humanitarian Law*; Editorial Board of Advisers, *Pacifica Review*.

Associate Member, Institute of International Law; Associate Academician, International Academy of Comparative Law, Paris; Vice-President, International Commission of Jurists, Victoria; Past President, World Federation of Overseas Sri Lankan Organizations; Vice-Patron, United Nations Association of Sri Lanka; Member, Club of Rome (Australia); Commonwealth Lawyers Association; Society of Public Teachers of Law; World Association of Law Professors; Lawasia; World Association on the Philosophy of Law and Legal Philosophy.

Books: *The Law of Contracts, being a Comparative Study of the Roman-Dutch, English and Customary Laws of Contract in Ceylon* (2 vols.), 1965; *The Law in Crisis: Bridges of Understanding*, 1975; *Equality and Freedom: Some Third World Perspectives*, 1976; *Human Rights in Japan*, 1979; *Apartheid: The Closing Phases?*, 1980; *An Invitation to the Law*, 1980; *The Slumbering Sentinels: Law and Human Rights in the Wake of Technology*, 1983; *Law: The Threatened Peripheries*, 1984; *Nuclear Weapons and Scientific Responsibility*, 1987 (translated into Japanese); *Islamic Jurisprudence: Some International Perspectives*, 1988; *Human Rights and Scientific and Technological Development*, ed., 1990; *Nauru: Environmental Damage under International Trusteeship*, 1992; *The Impact of Technology on Human Rights: Global Case-Studies*, ed., 1993; *Justice without Frontiers*, Vol. I, *Furthering Human Rights*, 1997; Vol. II, *Protecting Human Rights in the Age of Technology*, 1998; *The Lord's Prayer: Bridge to a Better World*, 1998.

Reports: *Report of the Nauru Commission of Inquiry* (10 vols.), 1988 (joint author).

Articles in law journals in Asia, Africa, Australasia, Europe and North America.

Published lectures include: "Fundamental Perspectives on Equality and Freedom", World Congress on Equality and Freedom, St. Louis, Missouri (1976), an official event marking the American Bicentennial; "National and Transnational Systems as Denigrators of Human Rights", Unesco Seminar on Teaching of Human Rights, Canberra (1981); "The Right to Development", Lawasia Seminar on Establishment of a Regional Human Rights Framework for the Pacific, Suva (1985); "Cultural and Ideological Pluralism in Contemporary Public International Law", World Congress of International Academy of Comparative Law, Sydney and Melbourne (1986); "Traffic in Armaments: A Blind Spot in Human Rights and International Law", Joint Soviet/US International Conference on Nuclear Weapons and International Law, New York (1987); "Emerging Dimensions of Sovereignty in International Law", International Seminar on the Coming Global Civilization, Moscow (1988); "The Teaching of Human Rights", United Nations Seminar commemorating 40th anniversary of Universal Declaration of Human Rights, Geneva (1988); "The Law, Nuclear Weapons and the Real World", First World Convention of Lawyers against Nuclear Arms, The Hague (1989); "International Arbitration under the UNCITRAL Rules", Regional Seminar on International Arbitration, Kuala Lumpur (1989); "Judicial Reasoning under the Common Law", Commonwealth Law Conference, Auckland (1990); "The Importance of Philosophical Perspectives to the Judicial Process", 6 *Connecticut Journal of International Law* (1991); "Does International Law Matter?", *Inaugural Tun Hussein Onn Memorial Lecture*, Kuala Lumpur (1991); "The Right to Know: Freedom of Information as a Human Right", Commonwealth Law Conference, Cyprus (1993); "Introducing Human Rights to the Younger Generation", Unesco, Netherlands (1993); "The Constancy of the Judicial Obligation", Inaugural Fernando Memorial Lecture, Colombo (1994); "The World Court: Its Conception, Constitution and Contribution", *Inaugural Governor's Forum*, Melbourne, Victoria, Australia (1994); 1995 Martin Luther King Lecture, "On Earth as It Is in Heaven: A Vision of World Order for the 21st Century", *Tulsa Journal of Comparative and International Law*, 1995; Inaugural Nagendra Singh Memorial Lecture, "The International Court of Justice in the Age of Multiculturalism", 36 *Indian Journal of International Law* (1996); "Some Practical Problems of International Adjudication", 17 *Australian Year Book of International Law* (1996); "The Function of the International Court of Justice in the Development of International Law", 10 *Leiden Journal of International Law* (1997); "Private International Law and Public International Law", 12 *Rivista di diritto internazionale privato e processuale*, No. 2 (1998); "Some Buddhist Perspectives on International Law", in *Festschrift in Honour of*

Boutros Boutros-Ghali, 1998; "Human Rights and the Global Marketplace", XXV *Brooklyn Journal of International Law*, No. 1 (1999); "Inaugural Grotius Lecture", 14 *American University International Law Review*, No. 6 (1999).

Order of *Deshamanya* (Sri Lanka); Mohamed Sahabdeen Award for International Understanding in the SAARC Region, 1993.

Judge *ad hoc* Marc LALONDE

(Judge *ad hoc* in the case concerning the *Legality of Use of Force (Serbia and Montenegro* v. *Canada)*)

Born in Ile Perrot, Quebec, Canada, on 26 July 1929.

B.A., St. Laurent College, Montreal (1949); LL.L., University of Montreal (1954); M.A. (Law), University of Montreal (1955); M.A. (Oxon.) (Economics and Political Science), Oxford University (1957); Diploma of Superior Studies in Law, University of Ottawa (1960); LL.D. *honoris causa*, Limburg University, Netherlands (1993).

Called to the Bar of Quebec (1955).

Professor of Commercial Law and Economics, University of Montreal (1957-1959); Special Assistant to the Canadian Minister of Justice (1959-1960); Partner, Gélinas, Bourque, Lalonde & Benoit, Montreal (1960-1967); Lecturer in Administrative Law for Doctoral Students, University of Ottawa and University of Montreal (1961-1962); Policy Adviser to Lester B. Pearson, Prime Minister of Canada (1967-1968); Principal Secretary to Pierre E. Trudeau, Prime Minister of Canada (1968-1972); Member of Parliament (1972-1984); Minister of Health and Welfare (1972-1977); Minister Responsible for the Status of Women (1974-1979); Minister of State Responsible for Federal-Provincial Relations (1977-1978); Minister of Justice and Attorney General for Canada (1978-1979); Minister of Energy, Mines and Resources (1980-1982); Minister of Finance (1982-1984); Partner (1984-2002), Senior Counsel (since 2002), Stikeman Elliott, Montreal, Quebec.

Member of the Board of Directors of Citibank Canada, O & Y Properties Corporation, Sherritt International Corp., Oxbow Equities Corp., Repworld Holdings Ltd. and the Pierre Elliott-Trudeau Foundation.

Member of the International Advisory Council to the Presidium of Ukraine (1990-1997); the Advisory Committee on Constitutional Matters in Czechoslovakia (1989-1991); the International Advisory Council of Air France (1991-1994).

Chairman of the Council of Governors, Canada-Chile Board of Trade (since 1995). Chairman of Hôtel-Dieu Hospital, Montreal, Quebec (1984-1997).

Judge *ad hoc* in the International Court of Justice in the case concerning *Fisheries Jurisdiction (Spain* v. *Canada)* (1995-1998).

Member of the Quebec Bar; the Law Society of Upper Canada (Ontario Bar); the American Bar Association (associate member); the International Bar Association; the Canadian Bar Association; the Chambre de Commerce de Montréal; the Chambre de Commerce France-Canada; the International Council on Commercial Arbitration; the Corporate Counsel Committee, American Arbitration Association; Chairman of the North American Users Committee of the London Court of International Arbitration; Corresponding Member of the Institute of International Business Law and Practice of the International Chamber of Commerce and of the Canadian Arbitration Committee of the International Chamber of Commerce; Member of the Council of the Royal College of Physicians and Surgeons of Canada (lay member) (1995-1997).

Has written a number of articles and delivered lectures in Canada and abroad on arbitration. Has also been a frequent speaker to national and international conferences in the Canada-United States Free Trade Agreement and the North American Free Trade Agreement.

Queen's Counsel (1971); Member of the Privy Council of Canada (1972); Officer of the Order of Canada (1989).

Judge *ad hoc* Mohammed BEDJAOUI

(Judge *ad hoc* is the case concerning the *Frontier Dispute (Benin/Niger)*)

Born in Sidi-Bel-Abbes, Algeria, on 21 September 1929.

Doctor of Law, Law Faculty of the University of Grenoble, France (1955). Doctor *honoris causa* of the Universities of Hyderabad, Aix-en-Provence, Brussels, Kuwait, Madrid-Complutense and Madrid-Carlos III. Diploma of the Institute of Political Studies, University of Grenoble (1952).

"Avocat stagiaire" at the Court of Appeal of Grenoble (1951-1953). Research Assistant at the Centre national de la recherche scientifique (CNRS), France (1956-1958).

Legal Adviser to the Provisional Government of the Republic of Algeria (1958-1961). Expert adviser to the Algerian delegation in the independence negotiations at Evian and Lugrin (1961).

Executive Secretary to the President of the National Constituent Assembly at Algiers (1962). Secretary-General of the Government (1962-1964).

Dean of the Faculty of Law and Economics of the University of Algiers (1964-1965).

Minister of Justice and Keeper of the Seals (1964-1970).

Algerian Ambassador to France (1970-1979). Permanent delegate of Algeria to Unesco (1971-1979). Ambassador and Permanent Representative of Algeria to the United Nations in New York (1979-1982).

Member of the International Court of Justice from 19 March 1982 to 30 September 2001. President of the Chamber formed to deal with the case concerning the *Frontier Dispute (Burkina Faso/Republic of Mali)*, 1983-1987. President of the Court from 1994 to 1997.

Co-President of the United Nations Commission of Enquiry to Iran (February-March 1980). Vice-President of the United Nations Council for Namibia (1979-1982). Chairman of the Group of 77 (1981-1982). Chairman of the Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries (1981-1982). Member of the Arbitration Tribunal for the determination of the maritime boundary between Guinea and Guinea-Bissau (1983-1985). Member of the Arbitration Tribunal for the determination of the maritime boundary between Guinea-Bissau and Senegal (1985-1989). Arbitrator or President in several international commercial arbitrations.

Participated in various sessions of the United Nations General Assembly as member, deputy-head or head of the Algerian delegation. Head of the Algerian delegations to the United Nations Conferences on Succession of States in Respect of Treaties (1977) and the Law of the Sea (1976-1980).

Took part in various sessions of the OAU Council of Ministers and OAU Summit Meetings, and in various ministerial meetings or conferences of heads of State and government of the non-aligned countries, as member, deputy-head or head of the Algerian delegation. United Nations Consultant Expert at the Vienna Conference on Succession of States in respect of State Property, Archives and Debts (1983).

Member of the International Law Commission (1965-1982).

Member of the Institute of International Law (since 1977); First Vice-President of the Institute (Strasbourg 1997-Berlin 1999). Member of the French Society for International Law. Member of the Scientific Council of the Institut du droit économique de la mer of the Principality of Monaco. Member of the Governing Board of the Foundation for International Studies of the University of Malta, Valletta. Member of the Independent Commission on International Humanitarian Issues (co-chaired by Prince Hassan bin Talal of Jordan and Prince Sadruddin Agha Khan) (1982-1987). Member of several award panels for international prizes, including that of the Albert Schweitzer Prize (United States of America). Member of the Jury for the Félix Houphouët-Boigny Peace Prize (Unesco). Member of the Unesco *Ad Hoc* Forum for Reflection (1992). Member of the Unesco International Consultative Committee on Bioethics (1994-1999). Member of the International Committee of Advisers of the Chinese International Law Institute, Beijing. Member of the International Council for Global Health Progress (since 1994). Member of the Independent World Commission on the Oceans (President: Mr. Mario Soarès) (1995-1998).

Recipient of various prizes and honours.

Holder of decorations of several States.

Author of eight books and over 200 articles.

Judge *ad hoc* Santiago TORRES BERNÁRDEZ

(Judge *ad hoc* in the case concerning *Application for Revision of the Judgment of 11 September 1992 in the Case concerning the* Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening) *(El Salvador* v. *Honduras)*)

Born in Vigo, Spain, on 18 November 1929.

Licenciado (1952) and Doctor of Law (1959) of the University of Valladolid, Spain. *Diplomé d'études supérieures européennes* (1955) and Doctor of Law (1957) of the University of Saar, Germany. Doctor *Honoris Causa* of Law (1993) of the University of Alcalá de Henares, Spain.

Member of the Madrid Bar Association. Legal consultant and counsel or advocate in international cases. Arbitrator in the International Centre for Settlement of Investment Disputes (ICSID).

Member of the Permanent Court of Arbitration; Member of the International Humanitarian Fact-Finding Commission; Member of the Institute of International Law; Second Vice-President, Vancouver (2001); Member of the International Law Association; Honorary Member of the Spanish Association of International Law Professors; Member of the Société française pour le droit international; Member of the American Society of International Law; Associate Member of the Hispano-Luso-American Institute of International Law.

Judge *ad hoc* in the International Court of Justice in the cases concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening)* (1989-1992), *Fisheries Jurisdiction (Spain* v. *Canada)* (1995-1998), *Legality of Use of Force (Yugoslavia* v. *Spain)* (1999) and *Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar* v. *Bahrain)* (1991-2001).

Former Registrar of the International Court of Justice (1980-1986). Former Member of the Office of Legal Affairs of the Secretariat of the United Nations (1959-1980) being, since 1975, Deputy Director of the Codification Division and Deputy Secretary of the International Law Commission. During that period served continually United Nations legal bodies (Sixth Committee of the General Assembly; International Law Commission; special or *ad hoc* committees), participating also in all the United Nations diplomatic conferences convened between 1960 and 1980 for the purpose of the progressive development of international law and its codification.

Author of various published studies and articles on questions of international law and international organizations and procedures, including: *À propos de l'interprétation et de la revision des arrêts de la Cour internationale de Justice*, 1987; *Resignations at the World Court*, 1988; *La reciprocidad en el sistema de jurisdicción obligatoria establecido en el Artículo 36, párrafo 2, del Estatuto de la Corte Internacional de Justicia*, 1988; "Subsidiary Organs of International Organizations", in *A*

Handbook on International Organizations, published by the Hague Academy of International Law, 1988; "Problems and Issues Raised by 'Crimes of States': An Overview", *International Crimes of States. A Critical Analysis of the ILC's Draft Article 19 on State Responsibility*, 1989; "L'arbitrage interétatique. Avec des références particulières à la Convention européenne pour le règlement des différends du 20 avril 1957", in *The Peaceful Settlement of International Disputes in Europe: Future Prospects*, Workshop of the Hague Academy of International Law, 1990; "Observations on 'Non-Appearance' before the International Court of Justice", *Annuaire de l'Institut de droit international*, session de Bâle, Vol. 64-I, 1991; "Succession d'Etats", in Unesco, *Droit international. Bilan et perspectives*, 1991; *Reciprocity in the System of Compulsory Jurisdiction and in Other Modalities of Contentious Jurisdiction Exercised by the International Court of Justice*, 1992; *Perspectivas en la contribución de las Naciones Unidas al mantenimiento de la paz y la seguridad internacionales: Comentarios y observaciones sobre la Declaración de los Miembros del Consejo de Seguridad de 31 de enero de 1992*, 1993; "Spain and the Jurisdiction of the International Court of Justice: From Past to Present", *Archiv des Völkerrechts*, 1994; *The* Uti Possidetis Juris *Principle in Historical Perspective*, 1994; "Some Considerations on the Respective Roles of the Security Council and the International Court of Justice with Respect to 'the Prevention of Aggravation of Disputes' in the Domain of the Pacific Settlement of International Disputes or Situations", in *Proceedings of the Qatar International Law Conference '94* (United Nations Decade of International Law), 1995; "La función de la Corte Internacional de Justicia en el sistema de la Carta de las Naciones Unidas", *Proceedings of the United Nations Congress on Public International Law, New York (March 1995)*, 1996; "L'intervention dans la procédure de la Cour internationale de Justice", Hague Academy of International Law, *Recueil des cours*, Vol. 256 (1995); *La Corte Internacional de Justicia en el sistema de la Carta en el cincuenta aniversario de las Naciones Unidas*, Universidad Carlos III, Madrid, 1996; "The New Theory of 'Indispensable Parties' under the Statute of the International Court of Justice", *Essays in Honour of Eric Suy*, 1998; "Interpretation of Treaties by the International Court of Justice Following the Adoption of the 1969 Vienna Convention on the Law of Treaties", *Liber Amicorum Professor Seidl-Hohenveldern*, 1998, "La fonction de la Cour internationale de Justice: tendances actuelles du règlement judiciaire", in *Liber Amicorum Mohammed Bedjaoui*, 1999; "Are Prior Negotiations a General Condition for Judicial Settlement by the International Court of Justice?", in *Liber Amicorum in Memoriam of Judge José María Ruda*, 2000; "Acerca de las immunidades del Jefe de Estado o de Gobierno en derecho internacional y sus limites", in *El Derecho Internacional en los albores del siglo xxi. Homenaje al profesor Juan Manuel Castro-Rial*, 2002.

Awarded the Spanish Great Cross of Civil Merit (1987) and other foreign decorations (all after 1987).

Judge *ad hoc* Carl-August FLEISCHHAUER

(Judge *ad hoc* in the case concerning *Certain Property (Liechtenstein* v. *Germany)*)

For his biography see Section II above, p. 59.

Judge *ad hoc* Thomas M. FRANCK

(Judge *ad hoc* in the case concerning *Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia)*)

Born in Berlin, Germany, on 14 July 1931. American citizen.

University of British Columbia, B.A. (1952); LL.B. (1953); Harvard Law School, LL.M. (1954); S.J.D. (1959); University of British Columbia, Hon. LL.D. (1995).

Assistant Professor, University of Nebraska College of Law (1954-1956); Associate Professor (1960-1962) and Professor (since 1962), New York University School of Law; Visiting Professor, Stanford Law School (1963); University of East Africa Law School (Dar es Salaam) (alternating semesters) (1963-1966); Osgood Hall Law School, York University (Toronto) (alternating semesters) (1972-1976); Director, Center for International Studies, New York University School of Law (since 1965); Director, International Law Program, Carnegie Endowment for International Peace (1973-1979); Visiting Professor, Woodrow Wilson School, Princeton University (1979); Director of Research, United Nations Institute for Training and Research (1980-1982); Lecturer, Hague Academy of International Law: General Course in Public International Law (1993); Visiting Fellow, Trinity College, Cambridge (1996-1997).

Legal Adviser or Counsellor to the Governments of Tanganyika, Kenya, Zanzibar, Mauritius, Solomon Islands, El Salvador, Chad, Bosnia and Herzegovina; Member, Commission on Legal Education, Government of Sierra Leone (1964); Director, Panel to Recommend an Implementation of Title IX, Assistance to Legal Institutions in LDCs, USAID (1970-1972); NGO Representative (The Carnegie Endowment), the Law of the Sea Conference (Caracas and Kampala) (1974); Geneva (1976); New York (1977); Geneva (1978)); Representative of the Solomon Islands to the United Nations General Assembly (1978-1979); Consultant to USAID Section 116 *(e)* Human Rights Project, Legal Aid Program for Ghana (1985); Department of State Advisory Committee on International Law (1986-1993); Counsel to the Government of Chad in the case concerning *Territorial Dispute (Libyan Arab Jamahiriya/Chad)* before the International Court of Justice (1992-1994); Counsel to the Government of Bosnia and Herzegovina in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina* v. *Yugoslavia)* before the International Court of Justice (1994).

American Branch of the International Law Association, Member of the Executive Committee (since 1968), Secretary-Treasurer (1968-1969), Vice-President (1973-1994), Honorary Vice-President (since 1994); Board of Directors, African Law Association in America (1970-1973), Member, Council on Foreign Relations (1978); American Society of International Law (ASIL), Member, Executive Council (1979-1994), President (1998-2000); Member, the Century Association of New York (1979-1998); Advisory Board, International Human Rights Law Group; Board of Directors, Friends of the Hague Academy of International Law, Inc. (since 1980); Member of the NYU Society of Fellows (since 1984); Member, Administrative Council, the Jacob Blaustein Institute for the Advancement of Human Rights (1988-1994); Board Member, Africa Watch (1989); Board of Directors, International Peace Academy (1991); Member, German Société française de droit international; Member, Canadian Council on International Law; United States Member, Committee on International Human Rights Law and Practice, International Law Association (1995-2000).

Member, Editorial Board (1972-1984) (1996) and Editor-in-Chief (1984-1993) of *The American Journal of International Law*; Member, Board of advisers, *European Journal of International Law* (Florence, Italy) (1988); Member, Board of advisers, *Austrian Review of International and European Law* (1996); Member, Board of advisers, *Transnational Publishers* (1996).

Christopher Medal, for *Resignation in Protest* (1976); Certificate of Merit, awarded by the American Society of International Law, in Recognition of *United States Foreign Relations Law: Documents and Sources* (1981); Certificate of Merit, awarded by the American Society of International Law, in Recognition of *Nation against Nation: What Happened to the U.N. Dream and What the U.S. Can Do about It* (1986); Certificate of Merit, awarded by the American Society of International Law, in Recognition of *Political Questions/Judicial Answers: Does the Rule of Law Apply to Foreign Affairs?* (1994); Elected Member, Institut de droit international (1993); John E. Read Medal, awarded by the Canadian Council on International Law, for distinction in the study and advancement of international law (1994); Guggenheim Fellowship (1973-1974) (1982-1983); 1999 Wolfgang Friedmann Memorial Award, given by the *Columbia Journal of Transnational Law* (1999), for outstanding contributions to the field of international law.

Author of: *Race and Nationalism*, 1960/1961; *The Role of the United Nations in the Congo* (co-author), 1963; *African Law* (co-author), 1963; *East African Unity through Law*, 1964; *Comparative Constitutional Process: Cases and Materials in the Comparative Constitutional Process of Nation Building*, 1968; *A Free Trade Association* (co-editor), 1968; *Why Federations Fail (et al.)*, 1968; *World Politics, Verbal Strategy among the Superpowers* (co-author), 1971; *Secrecy and Foreign Policy* (co-author), 1974; *Resignation in Protest: Political and Ethical Choices between Loyalty to Team and Loyalty to Conscience in American Public Life* (co-author), 1975; *Control of Sea Resources by Semi-Autonomous States: Prevailing Legal Relationships between Metropolitan Governments and Their Overseas Commonwealths, Associated States, and Self-Governing Dependencies*, 1978; *Foreign Policy by Congress* (co-author), 1979; *United States Foreign Relations Law: Documents and Sources* (co-author), 1980-1981; *The Tethered Presidency*, 1981; *Human Rights in Third World Perspective*, Vols. I-III, 1[illegible] *United States Foreign Relations Law: Documents and Sources*, Vols. IV-V (co-author), 1984; *Nation against Nation: What Happened to the U.N. Dream and What the U.S. Can Do about It*, 1985; *Judging the World Court*, 1986; *Foreign Relations and National Security Law* (co-author), 1987; *The Power of Legitimacy among Nations*, 1990; *Political Questions/Judicial Answers: Does the Rule of Law Apply to Foreign Affairs?*, 1992; *Foreign Relations and National Security Law*, 2nd ed. (co-author), 1993; "Fairness in the International Legal and Institutional System", *Recueil des cours*, Hague Academy of International Law, Vol. 240, 1993; *Fairness in International Law and Institutions*, 1995; *International Law Decisions in National Courts* (co-editor), 1996; *The Empowered Self: Law and Society in the Age of Individualism*, 1999; *Delegating State Powers: the Effect of Treaty Regimes on Democracy and Sovereignty* (ed.), 2000; *Recourse to Force: State Action against Threats and Armed Attacks*, 2002.

Judge *ad hoc* Felipe H. PAOLILLO

(Judge *ad hoc* in the case concerning the *Application for Revision of the Judgment of 11 September 1992 in the Case concerning the* Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening) *(El Salvador v. Honduras)*)

Born in Uruguay on 8 October 1931.

Doctor in Law and Social Sciences, Faculty of Law and Social Sciences at the University of Uruguay.

Legal Adviser in the Division of Legal Affairs, Secretariat of the United Nations, New York (1961-1964). Legal Adviser to the Ministry of Industry and Trade, Foreign Trade Division, Montevideo (1967-1974). Legal Advisor to the Third United Nations Conference on the Law of the Sea (New York, 1974-1983). Director, Deputy Special Representative of the Secretary General for the Law of the Sea (New York, 1983-1985). Director of the Diplomatic Academy of Uruguay, Ministry of Foreign Affairs (1985-1987). Deputy Executive Secretary of the United Nations Compensation Commission, Security Council (1991-1994). Director of the Division of International Organizations and Multilateral Affairs, Ministry of Foreign Affairs, Uruguay (1994-1996). Permanent Representative of Uruguay to the Food and Agriculture Organization of the United Nations (FAO) (1996-2000).

Ambassador of Uruguay to the Holy See (1996-2000). Ambassador, Permanent Representative of Uruguay to the United Nations, New York (1987-1990 and since 2000).

Registrar of the International Arbitral Tribunal for the delimitation of the maritime boundary between Canada and France (1990-1992). Member of the Permanent Court of Arbitration.

Consultant to the Latin American Free Trade Association (LAFTA) on procedures for the settlement of disputes (1971) and on harmonization of national legislation on export incentives (1973). Consultant to the Board of the Andean Pact on the establishment of the Court of Justice of the Cartagena Agreement (1972). Consultant to INTAL and the Central American Economic Integration Secretariat (SIECA) on institutional aspects of Central American economic integration (1973). Member of the Inter-American Group of Jurists of the Carnegie Endowment for International Peace for the study of modern problems related to the law of the sea and international economic relations (1970-1973). Member of the Inter-American Development Bank on arbitration in Latin America (1991).

Representative of the Government of Uruguay to Meetings of Legal Experts of the Latin-American Free Trade Association (LAFTA) (1967-1969) and the River Plate Basin (1968-1972); to the Montevideo Meeting on the Law of the Sea (1970); to the United Nations Conference on the Environment (Stockholm, 1972); to the Meeting of the Group of 77 preparatory to UNCTAD II (Lima, 1972); to the 42nd, 43rd and 44th sessions of the General Assembly of the United Nations (New York). Vice-President of the Economic and Social Council of the United Nations (New York, Geneva, 1989). Representative of Uruguay to the Second Meeting of the Group of Experts on the Law of the Sea of the States Members of the Zone of Peace and Co-operation of the South Atlantic (Montevideo, 1991); to the XIVth Assembly of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Santiago de Chile, 1995); to the Fourth Meeting of the Parties to the Zone of Peace and Co-operation of the South Atlantic (Capetown, South Africa, 1996); to the Second Conference of the Parties to the Framework Convention on Climate Change (Geneva, 1996); to the United Nations Conference of Plenipotentiaries on the Establishment of an International Criminal Court (Rome, June-July 1998); and to the First, Second and Third Sessions of the Assembly of the Parties to the Statute of Rome (International Criminal Court).

Professor of Public International Law, Faculty of Law, University of Uruguay (1964-1974; 1985-1987; 1995). Professor of History of International Relations and Treaties, Faculty of Law, University of Uruguay (1969-1971). Associate Professor at the School of Law of the New York University (1977-1984). Professor of "International Institutions" and "Contemporary International Relations" at the ORT University, Montevideo (1995-1996). Professor, director or lecturer, at the Hague Academy of International Law, at the University of Paris I and Paris II, the University Complutense (Spain), the Institute of Public International Law and International Relations of Thessaloniki (Greece), the Inter-American Juridical Committee and the Euro-Mediterranean Bancaja of International Law (Castille, Spain).

Member of the Institut de droit international; of the Société française pour le droit international; of the Instituto Hispano-Luso-Americano de Derecho Internacional; of the Asociación Uruguaya de Derecho Internacional; of the Asociación Argentina de Derecho Internacional and of the Inter-American Federation of Lawyers.

Author of numerous publications: *Curso de Historia de los Tratados*, Vol. I, 1966; *Curso de Historia de los Tratados*, Vol. II (with H. Arbuet and R. Hecht), 1975; *Las reglas y principios que rigen la utilización de las agues fluviales internacionales*, 1969; "La cláusula de la nación mas favorecida y los países de menor desarrollo el ALALC y en el Pacto Andino", in *América Latina y la cláusula de la nación mas favorecida*, ed. Orrego Vicuòa, 1971, reprinted in *Derecho Internacional Económico*, Vol. I, 1974; *Los tratados como fuente de derecho internacional*, with Eduardo Jiménez de Aréchaga, 1971; *Efectos, interpretación y extinción de los tratados*, with Eduardo Jiménez de Aréchaga, 1971; "The Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea", in Budislav Vukas, ed., *Essays on the New Law of the Sea*, 1985; "Reclamaciones colectivas internacionales: El caso de los damnificados por la crisis del Golfo", in *International Law in an Evolving World, Liber Amicorum for Professor Eduardo Jiménez de Aréchaga*, 1994; "Derechos Humanos y Reparación", *Liber Amicorum for Dr. Héctor Gros Espiell*, 1996; "El Consejo de Seguridad en los procedimientos de la Corte Penal Internacional", *Liber Amicorum 'in memoriam' of Judge José Maria Ruda*, 1999; Accesco de los individuos a los tribunals y otros órganos internacionales", Cursos del Comité Jurídico Interamericano, Washington, 2001; "El uso de la fuerza en la práctica de las Naciones unidas", Cursos del Comité Jurídico Interamericano, Washington, 2003.

Judge *ad hoc* Ahmed Sadek El-Kosheri

(Judge *ad hoc* in the cases concerning *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya* v. *United Kingdom)* and *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya* v. *United States of America))*

Born at Cairo, Egypt, on 4 April 1932.

Licencié en Droit, Faculté de Droit (1952), D.E.S. Droit Musulman (1954), D.E.S. Droit Privé (1955), D.E.S. Droit Public (1956), Cairo University. D.E.S. en Sciences Politiques (1957), Diplôme de Droit Comparé (1959), Paris University. D.E.S. en Histoire et Philosophie de Droit (1960), Doctorat d'Etat en Droit (1962), Rennes University.

Faculty Member of the Law School, Ain Shams University, Cairo (1958-1974). Visiting Professor, Beirut Arab University (1963-1964) and Nanterre University (Paris X) (1987-1988). Professor of International Economic Law and former President of Senghor University, Alexandria.

Partner of Kosheri, Rashed and Riad law firm, Cairo.

Member of the Egyptian Conseil d'Etat (1952-1958). Legal Adviser of the Ministry of Oil and Finance, Kuwait (1968-1969). Founding General Counsel of the Arab Fund for Economic and Social Development, Kuwait (1973-1974). Secretary-General of the Islamic Development Bank, Jeddah (1978).

Member of the Institut de droit international. Member of the Council for International Commercial Arbitration (ICCA). Vice-President of the Euro-Arab Arbitration System. Member of the Scientific Council of the International Business Law Institute, International Chamber of Commerce, Paris. Vice-President of the ICC Court of Arbitration. Former Judge at the Administrative Tribunal of the African Development Bank. Member of the ICSID Panel of Arbitrators and Conciliators.

Author of numerous books and articles on general public international law, international commercial law and on international arbitration.

Judge *ad hoc* Diego GONZÁLEZ CAMPOS

(Judge *ad hoc* in the case concerning *Maritime Delimitation between Nicaragua and Honduras in the Caribbean Sea (Nicaragua v. Honduras)*)

Born at Alcala de Guadaira (Seville, Spain) on 5 April 1932.

Licenciado in law (1955), Doctor of Law (1960), University of Seville. Diploma from the Hague Academy of International Law (1960), public international law session. Doctor *honoris causa* of the University of Salamanca (2000) and of the University of Oviedo (2001).

Participation in the Hague Academy's Research Centre (1961, on waterways of international interest, and, 1962, on State succession). Research on international law at the United Nations Library in Geneva (1961, 1970), at the Peace Palace Library in The Hague (1964, 1967, 1980, 1986) and at the Max-Planck Institute in Hamburg (1976).

Teaching Assistant at the Universities of Seville (1957-1961) and Madrid (1961-1963). Deputy Professor at the University of Madrid (1963-1972). Professor of international public and private law at the University of Oviedo (1972-1979). Professor of private international law (since 1979). Dean of the Faculty of Law (1980-1982) and Rector (1982-1984) of the Universidad Autonoma de Madrid. Member of the Universities Council, following election by the Parliament (1985-July 1992). Member of the Unesco Advisory Committee for Higher Education (1988-1991). Henri Rolin Professor of the Vrije Universiteit Brussel (1984). Visiting Professor at the University of Naples (1989) and the University of Paris II (1990). Lectured at the Hague Academy of

International Law (1977) and delivered general course on private international law (1987).

Member of the Spanish Constitutional Court, following election by the Parliament (1992-2001).

Delegate of Spain to the United Nations Conference on the Law of Treaties (1968-1969), to the Preparatory Commission (1971-1973) and to the United Nations Conference on the Law of the Sea (1974). Member of the Spanish delegation in the negotiations with the French Republic concerning the continental shelf delimitation (Paris Convention of 29 January 1974). Delegate of Spain to the Hague Conference on Private International Law (1972, 1976, 1980, 1985 and 1988). President of the Hague Conference Commission for Policy and General Affairs (1988).

Representative of Spain before the International Court of Justice in the advisory opinion on the *Western Sahara* (1975).

Counsel to the Government of the Republic of Honduras in the mediation procedure with the Republic of El Salvador (1976-1980) and in the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening)* before the International Court of Justice (1986-1991). Counsel to the Government of the State of Qatar in the case concerning *Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar* v. *Bahrain)* (from 1989 until July 1992) and for the Government of the Libyan Arab Jamahiriya in the case concerning the *Territorial Dispute (Libyan Arab Jamahiriya/Chad)* (from 1990 to July 1992) before the International Court of Justice. Counsel to the Government of the Republic of Argentina in the *Limite entre el Hito 62 y el Monte Fitz Roy* case (from 1990 to July 1992).

Associate (1989) and Member (1995) of the Institut de droit international. Director of the *Revista Española de Derecho internacional* (1991-1997). Vice-President (1988-1991) and President (1991-1993) of the Spanish Association for professors of international law and international relations.

Member of the General Commission for Codification, Ministry of Justice (since 1981). Member of the Executive Board of the Prado Museum (1983-1993).

Author of numerous works on public international law, private international law, EC law and constitutional law.

Judge *ad hoc* Vojin DIMITRIJEVIĆ

(Judge *ad hoc* in the case concerning *Application for Revision of the Judgment of 11 July 1996 in the Case concerning* Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina *v.* Yugoslavia), Preliminary Objections *(Yugoslavia* v. *Bosnia and Herzegovina)*)

Born in Rijeka, Croatia, 7 July 1932.

Doctor juris, University of Belgrade; Doctor of Laws *honoris causa*, McGill University, Montreal. Associé, Institut de droit international.

Professor of International Law and International Relations at the University of Belgrade School of Law (until dismissed in 1998). Visiting professor at the universities of Virginia, Oslo, Lund, Split and Sarajevo. Lectured at many other universities.

Director of the Belgrade Centre for Human Rights. Chairman of the Council of the Belgrade Institute for International Politics and Economy. President of the Yugoslav Association for International Law. Member of the Presidency of the Civic Alliance of Serbia. Member of the Serbian PEN Centre. Member of the Governing Board of JAT-Yugoslav Airlines.

Associate member of the Venice Commission for Democracy through Law, Council of Europe. Member of the Advisory Council of the *Helsinki Monitor* (Utrecht). Member of the International Council of the Foundation on Inter-Ethnic Relations (The Hague).

Former member, Rapporteur and Vice-Chairman of the United Nations Human Rights Committee. Former President of the European Movement in Serbia. Chairman of the former Yugoslav Forum for Human Rights.

Member of the Advisory Board of the *Croatian Law Review*. Member of the Editorial Board of the *International Journal for Not-for-Profit Law* (Washington).

Hosted the television show *Kino oko* on Serbian Television. Published numerous film and theatre reviews.

Author of numerous books and articles on international law, *inter alia* on human rights.

Judge *ad hoc* Prince Bola Adesumbo AJIBOLA

(Judge *ad hoc* in the case concerning the *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria: Equatorial Guinea intervening)*)

Born to the Royal Family of Gbdaela II, on 22 March 1934, in Ago-Owu, Abeokuta, Ogun State, Nigeria.

Called to the Bar, Lincoln's Inn, 1962 (Barrister-at-Law); holds Bachelor of Laws Degree of London University; LL.D. (*honoris causa*) of the University of Buckingham (Chancellor the Rt. Hon. Baroness Margaret Thatcher) (1996).

Legal practitioner for 23 years, mostly in Lagos and also in all other parts of Nigeria; Principal Partner of Bola Ajibola and Co., with offices in Lagos, Ikeja, Abeokuta and Kaduna (specialization: commercial law practice with particular bias for international arbitration).

Attorney-General and Minister of Justice of the Federal Republic of Nigeria (1985-1991); President of the Association of Arbitrators of Nigeria

(1974-1999); President of the Nigerian Bar Association (1984-1985); conferment of an Award of Senior Advocate of Nigeria (1986); Chairman of the Body of Senior Advocates of Nigeria (1985-1991); Chairman of the Disciplinary Committee of the Bar (1985-1991); Chairman of the General Council of the Bar (1985-1991); Chairman of the Advisory Committee on the Prerogative of Mercy (1985-1991); Member of the Advisory Judicial Committee (1985-1991); Member of the Judicial Service Committee (Abuja) (1987-1991); Vice-Chairman of the Body of Benchers (1989-1990); Chairman of the Body of Benchers (1990-1991); Member of the Nigeria Police Council (1989-1991); Chairman of the Task Force for the Revision of the Laws of the Federation (1990). Chairman, Council of Legal Education (1998-1999).

Leader of the Nigerian Delegation to the United States of America to Initial an Executive Agreement on Procedure for Mutual Assistance on Law Enforcement Matters (1987) and of the Delegation to conclude a Treaty on Mutual Assistance in Criminal Matters with the United Kingdom (1989), of the Delegation to the United Kingdom to conclude a Treaty concerning the Investigation and Prosecution of Crime and the Confiscation of the Proceeds of Crime (1989), and of the Delegation to the Islamic Republic of Iran and to Algeria, for bilateral talks on Technical and Legal Co-operation (1991).

Member of the Nigerian Delegation to the United Nations General Assembly and Nigerian representative to the Sixth Committee (1986); temporary President of the United Nations General Assembly at its seventeenth special session on narcotic drugs (1990); Member of the International Law Commission (1986-1991).

Member of the International Court of Justice from 5 December 1991 to 5 February 1994; Judge *ad hoc* in the case concerning the *Request for Interpretation of the Judgment of 11 June 1998 in the Case concerning the* Land and Maritime Boundary between Cameroon and Nigeria (Cameroon *v.* Nigeria), Preliminary Objections *(Nigeria v. Cameroon)*.

Vice-President and Member of the World Bank Administrative Tribunal; Member of the Constitutional Court of the Federation of Bosnia and Herzegovina (1995-2001); Member of the United Nations Compensation Commission (1994-2000).

Member of the Permanent Court of Arbitration (The Hague), of its Steering Committee and of the Board of Trustees of its Financial Assistance Fund; Member of the International Chamber of Commerce Court of Arbitration, Paris (1976-2000); Member of the International Maritime Arbitration Commission, Paris; Member of the Board of the London Court of International Arbitration; Member of the Pan-African Council of the London Court of International Arbitration (1994-1999). Member of the Court of Arbitration for Sport: CAS *Ad Hoc* Division for the Commonwealth Games in Kuala Lumpur (1998); Olympic Games in Sydney (2000).

Initiated the first ever African Law Ministers Conference, Abuja (1989) (attended by 32 African countries); Chairman of Meeting of ECOWAS Council of Law Ministers, Lagos, Nigeria (1990), where the Treaty Establishing the Court for the Economic Community of West African States was drafted and agreed to by ECOWAS law ministers; leader of the Nigerian Delegation to the Ethiopian All-Party Conference on Peaceful and Democratic Transition (1991); Chairman of the First Meeting of the Working Committee, All-Africa Law Ministers Conference, Cairo (1991); Member of the Nigerian Delegation to the World Peace through Law Conferences in Seoul, South Korea (1987), and Beijing, China (1990); leader of the Nigerian Delegation to the World Conference on the Reform of Criminal Law, Canada (1987), to the Commonwealth Law Conference in Auckland, New Zealand (1990) and the Commonwealth Law Ministers Conference in Christchurch, New Zealand (1990); leader of the Nigerian Delegation to the World Ministerial Drugs Summit on Action to Reduce the Demand for Drugs and to Combat Cocaine Threat, London (1990), and to the 17th Session of the Asian African Legal Consultative Committee in Cairo (1991). President of the World Association of Judges. Represented Africa in the demonstration trial on the law of the sea at the World Peace through Law Conference (Manila, 1977); Fellow of the Chartered Institute of Arbitrators; Fellow of the Nigerian Institute of Advanced Legal Studies; Friend of the Institute of Advanced Legal Studies, London; Honorary Vice-President of the Association of Arbitrators (South Africa).

Member of the Governing Board of the International Maritime Law Institute of the International Maritime Organization (IMO); Member of the Board of Directors of the International Development Law Institute, Rome.

President and Founder of "African Concern" (a non-political, non-religious, non-profit-making, non-governmental organization), Lusaka, Zambia (1995). President and Founder of "Islamic Movement for Africa" (IMA) (1996).

Editor, *Nigeria's Treaties in Force*, 1970-1990; Editor, *All Nigeria Law Reports*, 1961-1990; Editor-in-Chief, *Justice* (a monthly journal of contemporary legal problems); General Editor of the *Federal Ministry of Justice Law Review Series (FMJLRS)*; Member of the Editorial Advisory Board of the University of Buckingham.

Publications include: *Principles of Arbitration*, 1980; *New Concepts in the Resolution of Disputes in International Construction Contracts*, 1981; *Work Paper on International Commercial Arbitration*, 1982; *Arbitration and State Enterprises – Case Study of Nigerian Cement Transactions*, 1983; *Modernization of National Arbitration Laws in Aid of International Commercial Arbitration*, 1984; *The Law and Settlement of Commercial Disputes*, 1984; *Law Development and Administration in Nigeria*, 1987; *Towards a Better Administration of Justice System in Nigeria*, 1988; *Integration of the African Continent through Law*, 1988; *Narcotics: Law and Policy in Nigeria*, 1989; *Compensation and Remedies for Victims of Crime*, 1989; *Banking Frauds and Other Financial Malpractices in Nigeria*, 1989; *Women and Children under Nigerian Law*, 1990; *Scheme relating to Mutual Assistance in Criminal Matters and the Control of Criminal Activities within Africa*, 1990; "Human Rights under Military Rule in Africa: The Nigerian Experience" in *Essays in Honour of Judge Taslim Olawale Elias*, 1991. Gave a series of lectures on human rights in Accra, Ghana, under the auspices of the Ghana Bar Association, entitled: "Human Rights Agenda for a Stable 21st Century". Author of numerous articles and conference papers.

1987 World Jurist Award (under the auspices of World Peace through Law at Seoul); Senior Advocate of Nigeria; Recipient of 1986 Ogun State of Nigeria Outstanding Citizen Merit Award; Life Member, Nigerian Institute of International Affairs; Life Member, Body of Benchers, Nigeria; Knight of the Order of the British Empire; Patron of the Nigerian Society of International Law, Honorary Bencher of the Honourable Society of Lincoln's Inn, London. Commander of the Order of the Federal Republic (Nigerian National Award of high distinction).

Judge *ad hoc* Yves L. FORTIER

(Judge *ad hoc* in the case concerning the *Territorial and Maritime Dispute (Nicaragua* v. *Colombia)*)

Born in Quebec, Canada, on 11 September 1935.

Bachelor of Arts *summa cum laude* of the University of Montreal (1955). Bachelor of Civil Law, McGill University (1958); and Bachelor of Letters as a Rhodes Scholar at Oxford University (1960). Doctor of Laws *honoris causa*, the Law Society of Upper Canada (1989), Acadia University (1992), the University of British Columbia (1993) and the University of Montreal (1999).

Admitted to the Bar of the Province of Quebec (1961). Joined at that time the predecessor firm of Ogilvy Renault of which he is Chairman since 1992. Queen's Counsel (1976). Officer of the Order of Canada (1984); elevated to the level of Companion in the Order (1991). Awarded the Médaille d'Or of the Quebec Bar (1992). President's Award of the Canadian Bar Association (1993).

Pleaded important cases before all court jurisdictions in Canada and before domestic as well as international arbitral panels.

Served as an arbitrator on many international arbitration panels constituted by various arbitration centres, including the International Chamber of Commerce (Paris), the London Court of International Arbitration, the American Arbitration Association, the Chamber of Commerce of Zurich and the International Centre for the Settlement of Investment Disputes (ICSID).

Counsel for Canada before the International Court of Justice in the case concerning *Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America)* (1984).

Since being called to the Bar, has served as Counsel to many Royal Commissions and Commissions of Inquiry in Canada. Canada's Chief Negotiator in the Canada-France fishing dispute (1987-1989). Counsel for Canada before the *ad hoc* International Panel of Arbitrators constituted to determine the maritime boundary between Canada and France in the North Atlantic (1991). Canada's Chief Negotiator for the Canada-United States Pacific Salmon Treaty negotiations (1993-1998). Special Negotiator of the Government of Quebec to the Cree Nation (1993). Appointed by the Security Council of the United Nations as Chairman of Panel C of the United Nations Compensation Commission in Geneva (Iraq-Kuwait) (1993) and of Panel F-3 E/F (1999). Counsel for Canada in the mediation of the Canada-United States Pacific Salmon dispute (1995). Secretary-General's Special Envoy to Malaysia (1997). Member of the Claims Resolution Tribunal for Dormant Accounts in Switzerland (1998). Member of the Board of the International Accounting Standards Committee (since May 2000). Personal representative and mediator of the Secretary-General in the border dispute between Gabon and Equatorial Guinea (2003).

Canada's Ambassador and Permanent Representative to the United Nations in New York (1988-1992). Canada's Chief Delegate to the 43rd, 44th, 45th and 46th Sessions of the United Nations General Assembly (1988-1991). Vice-President of the 45th General Assembly (1990). Canada's Representative to the Security Council of the United Nations (1989-1990). President of the Council (1989).

Member of the Board of Directors of Alcan Inc., the Royal Bank of Canada (Chairman), Hudson's Bay Company, Nortel Networks Corporation and Nova Chemicals Corporation. Former Governor of McGill University and former administrator of the Institut neurologique de Montréal and of the Institut de recherches cliniques de Montréal. Member of the Board of Directors of several non-profit organizations including the Council for Canadian Unity, the C. D. Howe Institute, the Canadian Foundation for AIDS research (CANFAR) and the Canadian Institute for Advanced Legal Studies. One of the Founding Directors of the Canadian Bar Association Law for the Future Fund and Honorary Patron of the International Centre for Human Rights and Democratic Development. Member of the Board of Directors of the International Peace Academy and the United Nations International School. Member of the Executive Board of the International Association of Permanent Representatives to the United Nations (1989).

Member of numerous professional organizations, including the Canadian Bar Association, which he headed as National President in 1982-1983, the American Bar Association (honorary), the International Commission of Jurists (Canadian Section), the International Bar Association, the Union Internationale des Avocats, the ICC Institute of International Business Law and Practice, the International Law

Association (Canadian Branch), the American College of Trial Lawyers (member of the Board of Regents, 1992-1996) and the American Society of International Law.

During past years, has concentrated activities in the field of international arbitration. President of the London Court of International Arbitration (1998-2001). Member of numerous institutions for international arbitration. Member of the CPR International Panel of Distinguished Neutrals, the Quebec National and International Commercial Arbitration Centre (Chairman, Committee of Experts), the British Columbia International Commercial Arbitration Centre (member, Panel of Arbitrators), the International Council for Commercial Arbitration (ICCA), the Court of Arbitration for Sport (CAS), the Legal Service and Research Centre (LSRC), and the International Arbitration Club (London). Has been appointed in 2001 by the President of the Board of Directors of the ICSID as conciliator and arbitrator.

Member of the Permanent Court of Arbitration (1984-1989). Legal Adviser to the Commission on Civil Governance in Geneva (1992-1995). Member of the Trilateral Commission (member of the North American Executive Committee (since 1993)).

Judge *ad hoc* Christopher J. R. DUGARD

(Judge *ad hoc* in the case concerning *Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic Republic of the Congo* v. *Rwanda*))

Born in Fort Beaufort, South Africa, on 23 August 1936.

B.A. (1956) and LL.B. (1958), University of Stellenbosch; LL.B. (1965), Diploma in International Law (1965) and LL.D. (1980), Cantab.; LL.D. (*honoris causa*) of the Universities of Natal (1990), Cape Town (1996) and Port Elizabeth (2003).

Lecturer in Law, University of Natal, Durban (1961-1963). Senior Lecturer in Law (1965-1969); Professor of Law (1969-1998); Chairman of the Governing Committee of the School of Law (1972-1974, 1978); Dean of the Faculty of Law (1975-1977); Director of the Centre for Applied Legal Studies (1978-1990) and Professor Emeritus (since 1998) of the University of the Witwatersrand. Professor, honorary, University of Pretoria (since 2000). Professor, honorary, University of the Western Cape (since 2001).

Tutor in Roman Dutch Law, University of Cambridge (1964-1965); Visiting Professor of Public and International Affairs, Woodrow Wilson School of Public and International Affairs, University of Princeton (taught course in Comparative Civil Rights) (1969); Visiting Professor of Law, Duke University (taught courses in Jurisprudence, International and Criminal Law) (1974-1975); Visiting Professor of Law, University of California, Berkeley (Boalt Hall) (taught course in International Protection of Human Rights) (1981); Visiting Fellow, Research Centre for International Law, University of Cambridge (1985); Visiting Professor of Law, University of Pennsylvania (taught courses in International Law and International Human Rights Law) (1989); Visiting Professor of Law, University of New South Wales, Australia (taught course in International Law) (1991); Arthur Goodhart visiting Professor of Legal Science, University of Cambridge (taught LL.M. course in International Criminal Law) (1995-1996); Fellow, Sidney Sussex College, Cambridge (1995-1997); Director, Lauterpacht Research Centre for International Law, University of Cambridge (1995-1997); and Professor of Public International Law, University of Leiden (since 1998).

Admitted as an advocate of the Supreme Court of South Africa (1959); practised at the Durban Bar (1961-1963); part-time consultant and advocate, principally in the fields of international law, human rights and constitutional law (since 1963); appointed Senior Counsel (since 1998).

President of the South African Institute of Race Relations (1978-1980); Member of National Administrative Committee of the South African Institute of International Affairs (1987-1997); Founder and Member of the National Council of Lawyers for Human Rights (1980-1991); Commissioner of the Human Rights Commission (1988-1989); Board Member of the Independent Board of Inquiry (1990-1994); Chancellor to Bishop Tutu, Diocese of Johannesburg (Anglican) (1985-1987); Member of the Council of the University of Fort Hare (1990-1998); Member of the Technical Committee for Investigating the Repeal or Amendment of Legislation Impeding Free Political Activity and Discriminatory Legislation (part of negotiations for Interim Constitution) (1993); Member of the Technical Committee to advise the Constitutional Assembly on the Drafting of a Bill of Rights for the 1996 Constitution (1995).

Member of the Study Committee on International Protection of Human Rights of the American Society of International Law (1973-1975); Member of the Committee on International Terrorism, International Law Association (1974-1984); Member of the Committee on Extradition and International Terrorism (1985-1988); Co-Rapporteur to the Committee on Extradition and Human Rights (1992-1998); President of the South African Branch of the International Law Association (1993-1995, 1998); Member of the Governing Body of the African Society of International and Comparative Law (since 1995). Member of Institut de droit international (since 1999). Member of the International Law Commission (since 1996); Rapporteur and Member of the Bureau (1997-1998); Special Rapporteur on Diplomatic Protection (since 1999). Member of Panel of Experts for Study on Customary Rules of International Humanitarian Law of the International Committee of the Red Cross (1997). Chairman of the Inquiry Commission established by the Commission on Human Rights to investigate violations of Human

Rights and Humanitarian Law in the Occupied Palestinian Territories (2000-2001); Special Rapporteur to the Commission on Human Rights on the situation of Human Rights in the Occupied Palestinian Territories (since 2001).

Author of numerous books and articles on international law.

Judge *ad hoc* Ahmed MAHIOU

(Judge *ad hoc* in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina* v. *Serbia and Montenegro)* and in the case concerning *Ahmadou Sadio Diallo (Republic of Guinea* v. *Democratic Republic of the Congo)*)

Born in Bouira, Algeria, in 1936.

University studies in law and political science, Toulouse (1958-1964). Doctor of Law, Nancy (1967). *Agrégation* in public law and political science, Paris (1968). Doctor *honoris causa*, University of Toulouse.

Teaching assistant, lecturer and professor at the University of Algiers and the Ecole nationale d'administration (1964-1990). *Doyen* of the Faculty of Law and Economic Science of Algiers (1970-1973). *Professeur associé* at the University of Aix-en-Provence (1981-1983) and the University of Dijon (1990-1991).

Director of the Institut de recherches et d'études sur le Monde arabe et musulman (IREMAM) (1992-1997); Director of Research emeritus (since 1997).

Teaching assignments at numerous universities and institutes in Europe, Africa and the Middle East: Universities of Rabat, Casablanca, Tunis, Antananarivo, Paris I, Nanterre, Toulouse, Leipzig, Montpellier, Beirut, IHEI Paris and IHEI Geneva. Courses at the Hague Academy of International Law (The Hague, 1993) (Abidjan, 1996) and seminar (2003); courses at the Euromediterranean Academy of International Law, Castellon (Spain, 1999), the International Academy of Constitutional Law (Tunis, 1988 and 2001), and the Institute of International Law and International Relations (Thessaloniki, 2004).

Joint Director of the DEA (postgraduate course) in international law at the University of Aix-Marseille III. Head of a number of research programmes relating to international law and international relations, administrative law, economic law, and constitutional law. Member of the board of advisers of a number of academic institutions and of several academic publications.

Participated in international conferences organized by the United Nations (environment, law of the sea) and in Unesco general conferences. Member of the Board of Trustees and of the Advisory Committee of the United Nations Voluntary Fund for Indigenous Populations. Member of the United Nations International Law Commission (1982-1996) and Chairman of session (1996).

International arbitrator (ICC and *ad hoc* arbitration); Vice-Chairman of the Unesco Appeals Board; Vice-Chairman of the Arbitration Committee of the Franco-Arab Chamber of Commerce. Vice-Chairman of the National Commission for Justice Reform (Algeria).

Member of the Institut de droit international. Founder-member or member of a number of international learned societies.

Consultant for the Comité permanent consultatif maghrébin (1970), for the Algerian Ministries of Foreign Affairs, of Agriculture, of Industry, of Justice and of Higher Education, and for the Algerian Conseil économique et social. Produced expert studies for the Comité permanent consultatif maghrébin, UNITAR (1975), Unesco (1980), UNIDIR (1990), UNDP (1997), IBRD (2002) and the European Union.

Author of the following publications: *L'avènement du parti unique en Afrique noire: l'expérience des Etats d'expression française*, 1969; *Problèmes actuels de l'Unité africaine*, 1973; *Cours d'institutions administratives* and *Cours de contentieux administratif*, 1984; *La formation des normes en droit international du développement*, 1984; "Droits de l'homme et développement dans les constitutions africaines", in *Cours de l'Académie internationale de droit constitutionnel*, 1989; "Le cadre juridique de la coopération Sud-Sud. Quelques expériences ou tentatives d'intégration", in *Recueil des cours*, Hague Academy of International Law, Vol. 241, 1993; *L'état de droit et le monde arabe*, 1996; "Multilatéralisme, droits de l'homme et globalité méditerranéenne", in *Recueils de textes avec une introduction*, Unesco, Vol. III, Tomes 1 and 2 (with N. Bachi), 1998; *La codification du droit international*, 1999; "Droit international et développement", in *Cours euro-méditerranéens, Bancaja de droit international*, 2000; *Où va l'Algérie?*, 2001; and "Droit international et droit constitutionnel: de la non-intervention à la bonne gouvernance", in *Cours de l'Académie internationale de droit constitutionnel*, 2002.

Author of numerous other articles.

Algerian Medal of Scientific Merit.

Judge *ad hoc* Budislav Vukas

(Judge *ad hoc* in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia and Montenegro)*)

Born in Rijeka/Sušak, Croatia, on 1 January 1938.

LL.B. (1961), LL.M. (1965), Doctor of Law (International Law) (1974), Faculty of Law, University of Zagreb; attended courses at the Hague Academy of International Law (1961 and 1968-1970); participated in the Centre of the Academy for Studies and Research (International Law and International Relations) (1967).

Professor of Public International Law, Faculty of Law, University of Zagreb (Assistant 1963-1970, Lecturer 1970-1974, Assistant Professor 1974-1977, Professor since 1977); lectured at the Universities of Belgrade, Bologna, Boston, Brest, Ljubljana, Maribor, Milan, Osijek, Paris, Parma, Rijeka, Rome, Split, Thessaloniki, Tilburg and Valletta; directed a course on the law of the sea at the Dubrovnik Inter-University Centre (1984-2001); delivered a course on "States, Peoples and Minorities" at the Hague Academy of International Law (1992, *Recueil des cours*, Vol. 231); delivered courses at the Rhodes Academy of Oceans Law and Policy (1999-2001). Consultant for UNEP, Nairobi (1981 and 1991) and its Co-ordinating Unit for the Mediterranean Action Plan, Athens (1985 and 1990); participated in: Third United Nations Conference on the Law of the Sea (1975-1982); Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea (1984-1990 and 1994); International Seabed Authority (1994-1996); Meeting of the States Parties to the United Nations Convention on the Law of the Sea (1994-1996); the Sixth Committee of the United Nations General Assembly (1990, 1991, 1995); Working Group on the United Nations Decade of International Law of the Sixth Committee of the United Nations General Assembly (chairman 1990); CSCE Conference on the Human Dimension, Copenhagen Meeting (1990); CSCE Meeting of Experts on National Minorities, Geneva (1991); World Conference on Human Rights, Vienna (1993); 26th International Conference of the Red Cross and Red Crescent (1995).

Member of the Permanent Court of Arbitration (1989-1991 and since 1999); the International Tribunal for the Law of the Sea (since 1996); the Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organisation (since 1985); the Commission of Inquiry formed under Article 26 of the Constitution of the International Labour Organisation to examine the observance by Romania of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (1989-1991); the Court of Conciliation and Arbitration within the OSCE (since 1995); and the European Commission for Democracy through Law (1990-1991).

Associate Member (1991-1997) and Member (since 1997) of the Institut de droit international. Member of the Croatian Society of International Law (since 1961); the Société française pour le droit international (since 1978); the Argentine Society of International Law (since 2002); the Croatian Academy of Juridical Sciences (established in 2001); the International Council of Environmental Law, Bonn (since 1978); the Scientific Council of the European Institute for Marine Studies, Brest, France (since 1997); and the Scientific Council of the Institut de droit économique de la mer, Monaco (since 2000).

Author of numerous books, monographs, articles and papers in various fields of public international law, in particular law of the sea, international environmental law, international protection of human rights and national minorities, including *The Relativity of Treaties* (in Croatian), 1975; *Ethnic Minorities and International Relations* (in Croatian), 1978; *The New Law of the Sea* (ed., in Croatian), 1982, *Essays on the New Law of the Sea*, Vols. I-III (ed.), 1985-1996, *The Legal Regime of Enclosed or Semi-Enclosed Seas. The Particular Case of the Mediterranean* (ed.), 1988, *International Law*, Vol. I (with J. Andrassy and B. Bakotić, in Croatian), 1995.

Judge *ad hoc* Giorgio GAJA

(Judge *ad hoc* in the cases concerning *Legality of Use of Force (Serbia and Montenegro* v. *Italy)* and *Maritime Delimitation between Nicaragua and Honduras in the Caribbean Sea (Nicaragua* v. *Honduras)*)

Born in Lucerne, Switzerland, on 7 December 1939. Italian nationality.

Degree in law, University of Rome (1960). *Libera docenza* in international law (1968). Honorary Doctor of Law, Dickinson Law School (1985).

Professor of International Law, University of Florence (since 1974). Dean of the Law School (1978-1981).

Lecturer, Hague Academy of International Law (1981). Part-time Professor, European University Institute (1980 and 1984-1985). Visiting Professor, Johns Hopkins University (1977-1978), University of Geneva (1983 and 1985), University of Paris I (1989 and 2000), University of Aix-Marseille III (1992), Graduate Institute of International Studies (2001); University of Michigan School of Law (1992), and Columbia Law School (1996).

Member of the International Law Commission (since 1999). Delegate of the Italian Government to the Vienna Conference on the Law of Treaties between States and International Organizations and between International Organizations (1986). Counsel to the Italian Government in the *ELSI* case before the International Court of Justice.

Member of the Institut de droit international. Editor of the *Rivista de diritto internazionale*. Member of the Advisory Board of the *Common Market Law Review*, *European Journal of International Law* and *Columbia Journal of European Law*.

Principal publications: *L'esaurimento dei ricorsi interni nel diritto internazionale*, 1967; *La deroga alla giurisdizione italiana*, 1971; *International Commercial Arbitration. The New York Convention* (edited looseleaf volumes), 1978 (updated); *Introduzione al diritto comunitario*, 3rd ed., 2003; "River Pollution in International Law", *Hague Academy of International Law Colloquium, The Protection of the Environment and International Law*, 1975; "Considerazioni sugli effetti delle sentenze di merito della Corte internazionale di giustizia", *Comunicazioni e studi*, Vol. XIV, 1975; "Reservations to Treaties and the Newly Independent States", *Italian Yearbook of International Law*, Vol. I, 1975; "The European Community's Participation in the Law of the Sea Convention: Some Incoherencies in a Compromise Solution", *Italian Yearbook of International Law*, Vol. 5, 1980-1981; "Jus Cogens beyond the Vienna Convention", Hague Academy of International Law, *Recueil des cours*, Vol. 172, 1981; "The European Community's Rights and Obligations under Mixed Agreements", *Mixed Agreements*, 1983; "Effets directs et réciprocité dans la jurisprudence concernant l'accord entre la Communauté européenne et la Suisse", *Annuaire suisse de droit international*, Vol. XL, 1984; "Instruments for Legal Integration in the European Community — A Review" (with P. Hay and R. D. Rotunda), *Integration through Law. Europe and the American Federal Experience*, 1986, Vol. 1.2; "Principi generali del diritto (diritto internazionale)", *Enciclopedia del diritto*, Vol. XXXV, 1986; "Unruly Treaty Reservations", *International Law at the Time of Its Codification. Essays in Honour of Roberto Ago*, 1987, Vol. I; "Italy", *The Effect of Treaties in Domestic Law*, 1987; "A 'New' Vienna Convention on Treaties between States and International Organizations or between International Organizations: A Critical Commentary", *British Year Book of International Law*, Vol. 58, 1987; "Obligations Erga Omnes, International Crimes and Jus Cogens: A Tentative Analysis of Three Related Concepts", *International Crimes of States*, 1989; "New Developments in a Continuing Story: The Relationship between EEC Law and Italian Law", *Common Market Law Review*, Vol. 27, 1990; "Measures against Terrorist Acts under International Law", *Maritime Terrorism and International Law*, 1990; "Positivism and Dualism in Dionisio Anzilotti", *European Journal of International Law*, Vol. 3, 1992; "Réflexions sur le rôle du Conseil de sécurité dans le nouvel ordre mondial. A propos des rapports entre maintien de la paix et crimes internationaux des Etats", *Revue générale de droit international public*, 1993; "La Convention européenne des droits de l'homme dans les ordres juridiques des Etats membres de la Communauté européenne", *Grundrechtsschutz im europäischen Raum*, 1993; "Beyond the Reasons Stated in Judgments", *Michigan Law Review*, Vol. 92, 1993-1994; "The Protection of Human Rights under the Maastricht Treaty", *Institutional Dynamics of European Integration. Essays in Honour of Henry G. Schermers*, 1994, Vol. II; "Use of Force Made or Authorized by the United Nations", *The United Nations at Age Fifty. A Legal Perspective*, 1995; "Some Reflections on the European Community's International Responsibility", *The Actions for Damages in Community Law*, 1997; "Identifying the Status of General Principles in European Community Law", *Scritti in onore di Giuseppe Federico Mancini*, 1998; "How Flexible Is Flexibility under the Amsterdam Treaty?", *Common Market Law Review*, Vol. 35, 1998; "Restraints Imposed by European Community Law on the Treaty-Making Power of the Member States", *Dealing with Integration*, Vol. 2, 1998; "Does the European Court of Human Rights Use Its Stated Methods of

Interpretation?", *Studi in onore di Francesco Capotorti*, 1999; "Trattati internazionali", *Digesto delle discipline pubblicistiche*, Vol. XV, 1999; "New Instruments and Institutions for Enhancing the Protection of Human Rights in Europe?", *The EU and Human Rights*, 1999; "Expulsion of Aliens: Some Old and New Issues in International Law", *Cursos Euromediterráneos Bancaja de Derecho Internacional*, Vol. III, 1999, "Deliberating on Questions of Jurisdiction in the International Court of Justice", *Liber Amicorum Judge Shigeru Oda*, 2002; "The Long Journey towards Repressing Aggression", *The Rome Statute of the International Criminal Court: A Commentary*, 2002.

Judge *ad hoc* Sir Franklin Berman

(Judge *ad hoc* in the case concerning
Certain Property (Liechtenstein v. Germany))

Born in Cape Town, South Africa, on 23 December 1939.

Knight Commander of the Order of St. Michael and St. George (KCMG) (1994) (CMG, 1986).

University of Cape Town, B.A. (1959), B.Sc. (with distinction) (1960). Rhodes Scholar (Cape Province) (1961). University of Oxford: B.A. 1st Class honours (1963), Martin Wronker Prize; M.A. (1965).

Honorary Scholar, Wadham College, Oxford (1963); Honorary Fellow (1995); Fellow (2000).

J.C. Smith Visiting Fellow, University of Nottingham (1992).

Visiting Professor of International Law, University of Oxford (since 2000); University of Cape Town (since 2000); King's College, London (since 2002).

Called to the English Bar (1966); Queen's Counsel (Hon.) (1992); Honorary Bencher, Middle Temple (1997).

Her Majesty's Diplomatic Service (1965-1999): Assistant Legal Adviser, Foreign Office (later Foreign & Commonwealth Office) (1965); Legal Adviser, British Military Government, Berlin (1971); Legal Adviser, British Embassy, Bonn (1972); Legal Counsellor, Foreign & Commonwealth Office (1974); Counsellor and Legal Adviser, United Kingdom Mission to the United Nations (1982); Deputy Legal Adviser, Foreign & Commonwealth Office (1988); Legal Adviser to the Foreign & Commonwealth Office (1991-1999).

Chairman, Diplomatic Service Association (1979-1982).

United Kingdom Alternate Representative on the General Assembly, Security Council and Trusteeship Council (1982-1985); represented the United Kingdom on the Sixth Committee; Host Country Committee; Committee on Review of Applications for Advisory Opinions from Judgments of the United Nations Administrative Tribunal; Legal Subcommittee of the Outer Space Committee; Legal Subcommittee of the Seabed Committee; IAEA Safeguards Committee; Unesco Committee on Ocean Data Stations; Third United Nations Conference on the Law of the Sea; Consultative Meetings of Antarctic Treaty Parties.

Leader, United Kingdom Delegation: United Nations Conference on Treaties between States and International Organizations and between International Organizations (1986); CSCE Meetings of Experts on the establishment of a mechanism for the peaceful settlement of disputes (1978); International Conference of the Red Cross and Red Crescent (1995); Conference on the Establishment of an International Criminal Court (1998).

Deputy Agent, United Kingdom/French Arbitration on the Delimitation of the Continental Shelf (1975-1978); Agent, Young Loan Arbitration (1976-1980); United Kingdom Agent before the International Court of Justice in the case concerning, *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya* v. *United Kingdom)*; participated in the proceedings on the Advisory Opinion on *Legality of the Threat or Use of Nuclear Weapons*; Agent and Counsel, *Legality of Use of Force (Serbia and Montenegro* v. *United Kingdom)*.

Member of the ICSID Panel of Arbitrators under Section Four of the Washington Convention; arbitrator in cases and annulment proceedings under the ICSID, ICC and LCIA.

Chairman, Diplomatic Service Appeal Board (United Kingdom); Chairman, Appeal Boards of Western European Union and of the International Oil Pollution Compensation Funds; Chairman, Claims Committee of the General Settlement Fund of the Republic of Austria for the Compensation of Victims of Nazi Persecution.

Chairman, International Law Association Committee on the Accountability of International Organizations (2000-2004); Chairman, Advisory Group on International Law, Royal Institute of International Affairs (Chatham House).

Member of the governing bodies of the British Institute of International & Comparative Law, American Society of International Law, Centre for European and Comparative Law (Oxford); Trustee: Greenwich Foundation for the Royal Naval College, the Whittuck Trust.

Member of the Editorial Board, *British Year Book of International Law*.

Editor, McNair's *The Law of Treaties*.

Author of articles and reviews in learned journals, and chapters in collected essays on various topics in international law and international organization.

Judge *ad hoc* Bernardo SEPÚLVEDA

(Judge *ad hoc* in the case concerning *Avena and Other Mexican Nationals (Mexico* v. *United States of America)*)

Law Degree, *Magna cum Laude*, Faculty of Law, Universidad Nacional Autonoma de México (1964). Master's Degree in International Law, Cambridge University (1966) and Diploma in International Law from the same university.

Professor of International Law and of International Organizations at El Colegio de México in Mexico City (since 1967); Associate Research Fellow.

Held various functions in the Mexican Government: Deputy Director for Legal Affairs for the Secretary of the Presidency (1968-1970); Director of the Foreign Investment Programme at the Ministry of Finance (1971-1975), then Director General for International Affairs; Principal Advisor on International Affairs to the Secretary of the Budget (appointed in 1981).

President of the United Nations Commission on Transnational Corporations (1980). Rapporteur of the United Nations Intergovernmental Working Group on a Code of Conduct for Transnational Corporations (1978-1980). Mexican representative to the United Nations Commission on Transnational Corporations (1977-1981). Member of the Mexican Delegation to the annual meetings of the International Monetary Fund, the World Bank and the Interamerican Development Bank, as well as the Group of 24 (1976-1980).

Secretary of Foreign Relations of Mexico (1982-1988). Acted during this period as President of the Mexican delegations to the General Assembly of the United Nations and of the Organization of American States, as well as of other international regional and global organizations. Attended, among others, the United Nations Conference on the Law of the Sea, the Vienna Conference on the Law of Treaties and several United Nations Conferences on Disarmament. Member of the Mexican delegation to the 1981 Cancun Meeting of Heads of State and Government.

As Foreign Secretary, chaired the Binational Commission between Mexico and the United States of America; established the Contadora Group as a diplomatic instrument to bring peace and stability to Central America, together with the Foreign Ministers of Argentina, Brazil, Colombia, Panama, Peru, Uruguay and Venezuela; and took part in the creation of the Group of Eight, now the Rio Group, an institution devoted to promote Latin American co-operation.

Ambassador of Mexico to the United States of America (1982-1989). Ambassador of Mexico to the United Kingdom and, concurrently, to Ireland (1989-1993).

Member of the United Nations International Law Commission (since 1996).

Member of the Board of Directors for the State-owned oil and gas company Petróleos Mexicanos (PEMEX) (1982-1988) and of the governmental trust to promote tourism in Mexico, Fondo Nacional de Fomento al Turismo (FONATUR). General Counsel for the Mexican engineering company ICA (since 1997); Member of the company's Board of Directors and its Executive Committee; Member of the Board of Directors of ICA-Flour Daniel.

Co-founder of the Research Centre on the United States at the Centro de Investigaciones y Docencia Económica (CIDE) (1975-1976) and first Director of the Centre. Gave the Seminar on International Legal Problems in the Political and Social Sciences Faculty at the Universidad Nacional Autonoma de México (1971-1976). Director for the Institute of European Integration Studies headquartered at El Colegio de México (1994-1996).

Has lectured for the past three decades at the Foreign Office institute devoted to the training of Mexican diplomats (Academia Diplomática Matías Romero) on international law and foreign policy. Gave a series of lectures on the responsibility of States for the Hague Academy of International Law, during its Regional Programme held in Mexico City (2002).

Member of the Executive Council of the American Society of International Law (1974-1975). Founding member and Member of the Board of Directors of Transparencia Mexicana, a non-governmental organization. President of the Mexican Branch of the International Law Association.

Member of the Editorial Board of *Foro Internacional*. Member of the Board of Directors of the journal *Este País*.

Recipient of numerous orders, decorations and medals awarded by foreign Governments. Received the "Principe de Asturias Prize" in the field of international co-operation (Spain, 1984) and the Unesco Simon Bolivar Prize (1985). Honorary Doctorate Degrees from the University of San Diego (1984) and the University of Leningrad, now St. Petersburg (1987). Honorary Fellow of Queens' College, University of Cambridge (since 1990).

Principal publications: *Las Naciones Unidas: dilema a los 25 años* (co-ed.), 1970; *La inversión extranjera en México*, 1973; "Mexico and Law of the Sea", in *The Changing Law of the Sea: Western Hemisphere Perspectives*, Ralph Zacklin, ed., 1974; *Política Exterior de México. – Discursos y Documentos*, 6 volumes covering the period 1983-1988, 1983-1988; "Los intereses de la política exterior", in *La política internacional de México en el decenio de los ochenta*, César Sepúlveda, comp., 1994; "No intervención y derecho de injerencia: el imperio o la decadencia de la soberanía", in *Las Naciones Unidas a los 50 años* (comp., Modesto Seara Vázquez), 1995; "International Law and National Sovereignty", *Houston Journal of International Law*, Vol. 19, Spring 1997, Number 3; "Objetivos e intereses de la politica exterior", in *México ante el fin de la guerra fría*", Ilan Bizberg, comp., 1998; "Las definiciones de la politica exterior", in *México en el mundo: los desafíos para México en 2001*, Rafael Fernández de Castro, Coordinador, 2001; "Una asignatura pendiente: la participación de México en las operaciones de paz de la ONU", in *Cumbre del Milenio: ¿hacia donde van las Naciones Unidas?*, Miguel Covian, comp., 2001; and "El Eje del Mal y su Destino Manifiesto", in *Problemas jurídicos y políticos del terrorismo*, J. J. Olloqui, coordinador, 2003.

Judge *ad hoc* Auguste Mampuya KANUNK'A-TSHIABO

(Judge *ad hoc* in the case concerning *Ahmadou Sadio Diallo (Republic of Guinea* v. *Democratic Republic of the Congo)*)

Born in Ndemba, province of Kasai-Occidental, Democratic Republic of the Congo, on 13 February 1943.

Licence in law, University of Nancy 2 (1968). *Diplôme d'études supérieures* (DES) in public law, University of Nancy 2 (1969). DES in political science, University of Nancy 2 (1971). European DES (DESE), Centre européen universitaire, University of Nancy 2 (1970). State doctorate in law, with specialization in public international law, University of Nancy 2 (1972).

Assistant in constitutional law, *chargé d'enseignement* (course in international institutions), University of Rheims (1969-1972). Professor in the law faculty of the University of Kinshasa (since 1972), currently graded *professeur ordinaire*; courses in international law. Visiting Professor at the University of Metz, international law and constitutional law (2001-2003). Visiting Professor (1994-2001) and Professor (since 2002) in the law faculty, University of Nancy, public international law, general theory of law.

Member and Deputy Director of the Centre d'étude et de recherche de droit international et européen (CERDIE), University of Nancy 2. Researcher and analyst in law and politics.

Author of a number of studies in international law, including works of theoretical and applied research: *Emergence des Etats nouveaux et droit international – quelques tendances théoriques*, 1984; *Désuétude du système de sécurité collective*, 1986; *Conflit armé au Congo-Zaïre, ses circonstances et sa gestion sous l'angle du droit des Nations Unies*, 2001.

Minister of Justice of Zaire (1977). *Chargé de mission*, Ministry for Territorial Administration, with responsibility for decentralization (1981-1983). Legal Adviser to the Board of Directors of Zaire Universities (1982-1984). Political Counsellor to the Presidency of the Republic, then Senior Presidency Official with the rank of Deputy-Director of the Personal Office of the President (1993-1997). Has carried out a number of official foreign missions (United States of America, United Nations, United Kingdom, France, Panama, Mozambique, Romania).

Expert to the Electoral Institute for Southern Africa (EISA).

Chevalier de l'Ordre national des Palmes académiques (France).

Judge *ad hoc* Joe VERHOEVEN

(Judge *ad hoc* in the case concerning *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo* v. *Uganda)*)

Born in Brussels, Belgium, on 12 March 1943.

Doctor of Law (1965) and Agrégé de l'enseignement supérieur (1975).

Former ordinary Professor at the Catholic University of Louvain. Professor at the University of Paris II-Panthéon Assas (since 2000). Professor at the St. Louis University Faculties (Brussels). Law Faculty Course Director for Public International Law and European Community Law (with Mr. Wathelet since 1997), and specialist teaching in these two disciplines.

Member of the Research Council of the Catholic University of Louvain; (President since 1998) of the Commission des sciences juridiques du Fonds national de la recherche scientifique.

Attendance at numerous conferences and teaching abroad (notably: Aix-Marseille, Bordeaux, Hitotsubashi University, Institut universitaire des hautes études internationales (Geneva), New York University, Ottawa, Paris I, Paris II, University of California (Los Angeles)); Visiting Scholar at Stanford Law School (1998).

Teaching at the Hague Academy of International Law (Private International Law Section) in 1985; invited to give the 2002 general course on public international law.

Member of various learned societies (Member-elect of the Council of the French Society for International Law); Member of the editorial board of various law periodicals (including the *Annuaire français de droit international*).

Member of the Permanent Court of Arbitration; expert adviser to the Centre for the Prevention of Conflict in the Organisation for Security and Co-operation in Europe (OSCE).

Participated — as counsel or, in one case, as arbitrator — in certain international arbitrations, *ad hoc* or ICC; State's counsel for Iran in several cases before the Iran-United States Claims Tribunal; various consultative positions.

Member (since 1991) of the Institute of International Law (elected Associate at Helsinki in 1985).

Winner of the Charles De Trooz prize (1965) (for an essay on Luise Rinser), the Henri Rolin prize (1976) (for a work on international recognition) and the Fondation E. de Laveleye prize 1993-1998 (Royal Academy of Belgium).

Author of the following monographs: *La reconnaissance internationale dans la pratique contemporaine. Les relations publiques internationales*, 1975. "Les nullités du droit des gens", *Droit international*, Institut des hautes études internationales de Paris, 1981; "Relations internationales de droit privé en l'absence de reconnaissance d'un Etat, d'un gouvernement ou d'une situation", *Recueil des cours*, Hague Academy of International Law, Vol. 192, 1985; *The Antarctic Environment and International Law* (published in collaboration with Ph. Sands), 1992; *Droit de la Communauté européenne*, 1996, 2nd ed., 2000; *Public International Law*, 2000; and almost 150 legal articles, commentaries or essays in various Belgian or foreign publications or collective works including: "Contrats entre Etats et ressortissants d'autres Etats", *Le contrat économique international. Stabilité et évolution. VII*^{es} *Journées* *d'études juridiques Jean Dabin*, 1975; "L'Etat et l'ordre juridique international. Remarques", *RGDIP*, 1978; "Droit international des contrats et droit des gens", *RBDI*, 1978-1979; "La notion d'applicabilité directe du droit international", *RBDI*, 1980; "Sanctions internationales et communautés européennes. A propos de l'affaire des îles Falkland (Malvinas)", *Cah. dr. europ.*, 1984; "Sur les conflits de lois en droit des gens", *Journal du droit international*, 1984; "Le droit, le juge et la violence. Les arrêts Nicaragua *v.* United States", *Rev. gén. dr. int. public*, 1987; "Sur la Palestine en droit international privé, note sous AG Neumünster", *Revue critique de droit international privé*, 1988; "Etats alliés ou Nations Unies. L'ONU face au conflit entre l'Irak et le Koweit", *AFDI*, 1990; "Sur la récupération à l'étranger des sommes détounées par d'anciens chefs d'Etat", *Mélanges Lalive, Helbing et Lichtenhahn, Bâle-Francfort*, 1993; "Les citoyens de l'Europe", *Annales dr. Louvain*, 1993; "Sovereign States: A Collectivity or a Community?", *Hitotsubashi Journal of Law and Politics*, 1994; "La reconnaissance internationale: déclin ou renouveau?", *AFDI*, 1993; "Human Rights, Intervention and Universality", *Hungdah Chiu et al., Proceedings of the International Law Association (ILA), First Asian-Pacific Regional Conference*, 1995; "Les principales étapes de la protection internationale des minorités", *Rev. trim. Dr. H.*, 1997; "L'application ou la prise en considération des directives communautaires en droit belge, note sous Cass., 2 Dec. 1996", *Rev. crit. j. b.*, 1998; "La Communauté européenne et la sanction internationale de la démocratie et des droits de l'homme", *Liber Amicorum Mohammed Bedjaoui*, 1999; "Jus Cogens and Reservation or 'Counter-Reservations' to the Jurisdiction of the International Court of Justice", in K. Wellens (ed.), *International Law: Theory and Practice, Essays in Honour of E. Suy*, 1998; "Mr. Pinochet, la coutume internationale et la compétence universelle, note sous Civ. Bruxelles, 6 Nov. 1998", *JT*, 1999.

Judge *ad hoc* Mohamed BENNOUNA

(Judge *ad hoc* in the case concerning the *Frontier Dispute*
(Benin/Niger))

Agrégé in public law and political science, Paris (1972). Doctorate in International Law, Diploma from the Hague Academy of International Law.

Professor, then Dean, Faculty of Law, Rabat (Morocco) (1972-1984). Visiting Professor at various universities: Tunis, Algiers, Nice, New York, Salonika, Paris.

Legal Adviser to the Moroccan Delegation at numerous sessions of the United Nations General Assembly (since 1974). Member of the Moroccan Delegation to the United Nations Conference on the Law of the Sea (1974-1982). Ambassador, Deputy Permanent Representative of Morocco to the United Nations (1985-1989).

Director General of the Institut du monde arabe (IMA, Paris) (1991-1998).

Member of the International Bioethics Committee (Unesco) (1992-1998) and of the International Panel on Democracy and Development (Unesco) (from 1997). Chairman of a panel of the United Nations Compensation Commission (UNCC) in Geneva (1992-1995). Member of the United Nations International Law Commission (Geneva) (1986-1998).

Judge at the International Criminal Tribunal for the former Yugoslavia in The Hague (1998-2001).

Ambassador, Permanent Representative of Morocco to the United Nations (since March 2001).

Author of numerous works and articles, in the fields of peacekeeping and international security, the law of the sea, the law of development and international criminal law.

Member of numerous learned bodies, in particular the Institut de droit international.

Prix National de la Culture of Morocco. Award for Culture of the Yemen. Chevalier de l'Ordre national de la Légion d'honneur of France.

Judge *ad hoc* James L. KATEKA

(Judge *ad hoc* in the case concerning *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo* v. *Uganda)*)

Born on 25 April 1945 in Karagwe District, Tanzania.

Bachelor of Laws Degree with Honours, University College Dar es Salaam of the University of East Africa (1970); Master of Laws (specializing in international law), King's College, University of London (1974).

Career diplomat who joined Tanzania's Ministry of Foreign Affairs in 1970: Third Secretary in the Protocol and Treaties Division (1970-1973); Second Secretary and Head of the Legal Section (1973-1975); First Secretary (1976-1978) and Counsellor (1978-1980) of the Tanzanian Mission to the United Nations in New York; Counsellor and later Minister Plenipotentiary serving as Head of the Treaties Section in the Ministry of Foreign Affairs (1980-1983); Director of the Ministry's Department for Legal Affairs and International Organizations (1983-1989). Ambassador of Tanzania to the Federal Republic of Germany, concurrently accredited to Austria, the Holy See, Poland, Romania and Switzerland (1989-1994). Ambassador of Tanzania to the Russian Federation (1994-1998). Ambassador of Tanzania to Sweden, concurrently accredited to the other Nordic countries of Denmark, Finland, Norway and Iceland and the Baltic Republics of Estonia, Latvia and Lithuania (since 1998).

Attended twelve sessions of the United Nations General Assembly between 1976 and 1988 and in 1996. Served in the Sixth Committee (Legal) and in the First Committee. Attended as a specialist in the law of the sea all sessions of the Third United Nations Conference on the Law of the Sea (1973-1982). Attended all sessions of the United Nations Preparatory Commission for the International Seabed Authority and the International Tribunal for the Law of the Sea (1983 and 1993). Participated in the first session of the Assembly of the International Seabed Authority in Kingston, Jamaica (1994 and 1995). Attended all sessions of the United Nations Committee for the Peaceful Uses of the Seabed beyond the Limits of National Jurisdiction (this Committee prepared for the Third United Nations Conference on the Law of the Sea, 1971 and 1973). Tanzania's delegate to the Stockholm Conference on the Human Environment, which was the first such global conference (1972). Participated in the London Conference which drafted the Anti-dumping Convention (1972). Took part in the IMCO (now IMO) Conference on the Marine Pollution Convention (1973). Head of Tanzania's delegation to the Diplomatic Conference on Territorial Asylum in Geneva (1977) and to the conference which adopted the Vienna Convention on Succession of States in respect of Treaties (1978). Took part in the Commonwealth Heads of Government meeting in New Delhi (1983). Attended the United Nations conference on Women, in Nairobi (1985), and the 25th Session of the Asian African Legal Consultative Committee (AALCC) which met in Arusha, Tanzania (1985). Tanzania's representative in the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization; the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations; the *ad hoc* committee for the drafting of a convention against the taking of hostages and the conference which adopted the convention; and the *ad hoc* committee on the Indian Ocean as a zone of peace.

Member (since 1997) of the United Nations International Law Commission; Vice-Chairman (2002).

Partner in the law firm of South Law Chambers (Dar es Salaam). Has published articles and lectured on international law, including on the law of the sea and on human rights.

Awarded the Papal Honour of the Grand Cross with the Star of the Order of Pius the Ninth in 1993 by Pope John Paul II.

Judge *ad hoc* Milenko Kreća

(Judge *ad hoc* in the cases concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina* v. *Serbia and Montenegro)*, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia* v. *Serbia and Montenegro)* and the cases concerning *Legality of Use of Force (Serbia and Montenegro* v. *Belgium) (Serbia and Montenegro* v. *Canada)*

(*Serbia and Montenegro* v. *France*) (*Serbia and Montenegro* v. *Germany*) (*Serbia and Montenegro* v. *Italy*) (*Serbia and Montenegro* v. *Netherlands*) (*Serbia and Montenegro* v. *Portugal*) (*Serbia and Montenegro* v. *United Kingdom*))

Born in Sisak, Croatia, on 19 August 1947.

Received M.A. and Ph.D. (LL.D.) degrees *cum laude* from the School of Law, Belgrade University.

Upon graduation, practised law as an attorney (1973-1974).

Assistant Professor (1975), Docent (1978) and Associate Professor (1985) at the Belgrade School of Law. Full-time Professor of International Public Law (1990) and Associate Dean (1989-1991) at the Belgrade School of Law. Head of Chair of International Law and International Relations at the Faculty of Law in Belgrade (since 1997); Director of the Institute for International Politics and Economics (1997-2000); President of the Council of the Institute for Comparative Law (1997-2000); Member of the Federal Commission for Harmonization of FRY Law with the Laws of EU, EC and WTO (since 1998); Member of the Board of the Faculty of Law in Belgrade (1998-2000).

Arbitrator of the Permanent Arbitration at the Commercial Chamber of the Republic of Serbia (since 2000); President of the Scientific Council for Legal and Political Sciences at the Belgrade University (since 1999). President of the International Criminal Law Association (since 2002).

Was on several occasions legal adviser to the Ministry of Foreign Affairs and Government of the Federal Republic of Yugoslavia and to other organs of the Republic of Serbia and the Federal Republic of Yugoslavia.

Founder of the *Review of EU Legislation* (Belgrade, Institute for International Politics and Economics).

Principal publications: *Practical Course in International Law* (co-author), 1980; *International Public Law* (co-author), 1983, 1986, 1989, 1990, 1991, 1993, 1996, 1997, 1999, 2001, 2003; *Sources of International Public Law*, 1979, 1985, 1999; *Treaty-making Power of the State in International Law, with a Special Review of Federal States*, 1988; *Absolutely Binding Norms (Ius Cogens) in International Public Law*, 1989; *Material for International Public Law*, I-III (co-author), 1988-1989; *Law of the Sea — Scientific Research of the Sea and Transfer of Marine Technology*, 1990; *Treaty-making Power of the State in International Law*, 1991. Author of over 70 articles and papers in Serbian and foreign languages, including: "Some General Reflections on Main Features of *Ius Cogens* as a Notion of International Public Law", in *New Directions in International Law, Essays in Honour of W. Abendroth*, 1982; "Quelques observations sur le problème de la hiérarchie des règles de droit dans le droit international public", in *Yugoslav Review of International Law*, No. 1, 1980; "Constitutional Provisions Regulating Activity of Federal Units in International Relations", in *Yugoslav Review of International Law*, No. 1, 1992; "A Few Remarks on Theoretical Basis of the New Law of the Sea", *Liber Amicorum Judge Shigeru Oda*.

Judge *ad hoc* Jean-Yves DE CARA

(Juge *ad hoc* in the case concerning *Certain Criminal Proceedings in France (Republic of the Congo* v. *France)*)

Born in Oujda (Morocco) on 26 June 1950.

Licence in Law, Faculty of Law, Lyon (1973). *Diplôme d'études supérieures* (DES) in Public Law and Political Science, and DES in History of Law and Roman Law, Lyon III. Doctorate in Public Law, Lyon III (1981). *Agrégation* of the Faculties of Law (1994).

Law Clerk to Sir Gordon Slynn, now the Rt. Hon. The Lord Slynn of Hadley, at the Court of Justice of the European Communities (1989-1992)

Professor, University of Toulon and of the Var (1994-1996) and Institut d'études politiques of Aix-en-Provence. Director, Centre for International European and Comparative Law. Professor, Faculty of Law, University Jean Moulin Lyon III (1996-2003). Professor, Faculty of Law, University René Descartes Paris V (since 2003).

Visiting Professor, University of Durham (1993-1997), Athens Georgia (United States, 1996-2003), Konstanz (Germany, since 1998), St. Joseph University, Beirut (since 2000). Visiting Fellow, University of Cambridge (1996-1997).

Lawyer of the Lyon Bar (1989-1998). Littleton Chambers, Temple, London (since 2000).

Author of many publications on constitutional law, international law and community law.

Judge *ad hoc* Patrick Fernand Odiel Marie DUINSLAEGER

(Judge *ad hoc* in the case concerning *Legality of Use of Force (Serbia and Montenegro* v. *Belgium)*)

Born at Ostend, Belgium, on 30 May 1953.

Licencié en droit, University of Brussels (First Class Honours) (1978).

Trainee advocate at the Brussels Bar and judicial trainee in the Public Prosecutor's Office at the Brussels Court of First Instance (1978-1983); Deputy Prosecutor (1983), and Senior Deputy Prosecutor, Crown Prosecutor's Office, Brussels (1988); Deputy Prosecutor-General, Court of Appeal, Brussels (1991).

Joint Director, Interforces Anti-terrorist Group (1984-1997); Joint Director, Special Police Unit for the Suppression of Terrorism and Organized Crime (1987-1997).

Member of various supervisory committees set up by the Minister of the Interior to oversee university research (1988-1997). Lecturer *[chargé de cours]* at the Ecole de Criminologie et de Criminalistique (Institut National de Criminologie et de Criminalistique) (1989-1997).

Chair of the Belgian Delegation to the "Benelux" Working Group for International Co-operation (1993).

Senior State Judicial Officer responsible for national and international co-ordination of the fight against organized crime and for international police and judicial co-operation (1991-1997).

Appointed Judicial Liaison Officer for Belgium to the International Criminal Tribunal for the former Yugoslavia and to the International Criminal Tribunal for Rwanda (1995-1998).

Head of Cabinet to the Minister of Justice (1998-1999).

Advocate-General at the Court of Cassation (1999).

Commander of the Order of Leopold.

Knight of the Order of the Crown.

Mr. Jean-Pierre MAVUNGU MVUMBI-DI-NGOMA

(Judge *ad hoc* in the case concerning *Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic Republic of the Congo* v. *Rwanda)*)

Born on 22 December 1956 at Nsumbi (Province of Bas-Congo), Democratic Republic of the Congo.

Graduate of the Ecole nationale d'administration publique of Rabat. Licence in law, Mohamed V University, Morocco (1980). Graduate of the Institut universitaire de hautes études internationales of Geneva (1987). Doctor of Law, University of Fribourg, Switzerland (1992). Agrégé in public law (1992).

Graduate assistant and lecturer in public international law and public law at the University of Fribourg (1990-1995). Associate Professor and Head of the Department of public international law and international relations of the University of Kinshasa (since 1995). Professor and Head of Department of public law at the Faculty of Law of the Protestant University in the Congo (since 1997).

Directeur de cabinet to the Minister for Human Rights (1998-1999, 2001). Member of the Congolese Delegation to the 55th Session and 57th Session of the United Nations Human Rights Commission (Geneva). Member of the Congolese Delegation to the 54th Session of the United Nations General Assembly (New York). Resource officer at the Regional Seminar on the Promotion of Economic, Social and Cultural Rights in Africa (Abidjan, Côte d'Ivoire, 1998).

Co-ordinator of the 10th Diplomatic Conference organized by the Ministry of Foreign Affairs and International Co-operation (Kinshasa, December 2002).

Abassador Extraordinary and Plenipotentiary of the Democratic Republic of the Congo to the European Union (Brussels, since July 2003).

Member of the Association of Professors of the University of Kinshasa, of the Alumni Association of the University of Fribourg and the Alumni Association of the Université de hautes études internationales of Geneva. Former member of the African Society for International and Comparative Law.

CHAPTER III

JURISDICTION OF THE COURT

I. JURISDICTION IN CONTENTIOUS CASES

It is the function of the International Court of Justice to decide in accordance with international law such disputes as are submitted to it (Statute, Art. 38, para. 1). Its jurisdiction in this respect is defined in Article 93 of the Charter of the United Nations and in Articles 34-37 of the Statute of the Court.

1. States Entitled to Appear before the Court

Article 34, paragraph 1, of the Statute provides that: "Only States may be parties in cases before the Court." International organizations, other collectivities and private persons are therefore not entitled to institute proceedings before the Court.

A State entitled to appear before the Court may fall into one of three categories:

(a) *States Members of the United Nations*

Article 35, paragraph 1, of the Statute provides that the Court shall be open to the States parties to the Statute, and Article 93, paragraph 1, of the Charter of the United Nations provides that all Members of the United Nations are *ipso facto* parties to the Statute.

On 31 July 2003 the following 191 States were Members of the United Nations:

State	*Date of Admission*
Afghanistan	19 November 1946
Albania	14 December 1955
Algeria	8 October 1962
Andorra	28 July 1993
Angola	1 December 1976
Antigua and Barbuda	11 November 1981
Argentina	Original Member
Armenia	2 March 1992
Australia	Original Member
Austria	14 December 1955
Azerbaijan	2 March 1992
Bahamas	18 September 1973
Bahrain	21 September 1971
Bangladesh	17 September 1974
Barbados	9 December 1966

State	*Date of Admission*
Belarus	Original Member
Belgium	" "
Belize	25 September 1981
Benin	20 September 1960
Bhutan	21 September 1971
Bolivia	Original Member
Bosnia and Herzegovina	22 May 1992
Botswana	17 October 1966
Brazil	Original Member
Brunei Darussalam	21 September 1984
Bulgaria	14 December 1955
Burkina Faso	20 September 1960
Burundi	18 September 1962
Cambodia	14 December 1955
Cameroon	20 September 1960
Canada	Original Member
Cape Verde	16 September 1975
Central African Republic	20 September 1960
Chad	" "
Chile	Original Member
China	" "
Colombia	" "
Comoros	12 November 1975
Congo	20 September 1960
Costa Rica	Original Member
Côte d'Ivoire	20 September 1960
Croatia	22 May 1992
Cuba	Original Member
Cyprus	20 September 1960
Czech Republic	19 January 1993
Democratic People's Republic of Korea	17 September 1991
Democratic Republic of the Congo	20 September 1960
Denmark	Original Member
Djibouti	20 September 1977
Dominica	18 December 1978
Dominican Republic	Original Member
Ecuador	" "
Egypt	" "
El Salvador	" "
Equatorial Guinea	12 November 1968
Eritrea	28 May 1993
Estonia	17 September 1991
Ethiopia	Original Member
Fiji	13 October 1970
Finland	14 December 1955
France	Original Member

State	*Date of Admission*
Gabon	20 September 1960
Gambia	21 September 1965
Georgia	31 July 1992
Germany	18 September 1973
Ghana	8 March 1957
Greece	Original Member
Grenada	17 September 1974
Guatemala	Original Member
Guinea	12 December 1958
Guinea-Bissau	17 September 1974
Guyana	20 September 1966
Haiti	Original Member
Honduras	" "
Hungary	14 December 1955
Iceland	19 November 1946
India	Original Member
Indonesia	28 September 1950
Iran (Islamic Republic of)	Original Member
Iraq	" "
Ireland	14 December 1955
Israel	11 May 1949
Italy	14 December 1955
Jamaica	18 September 1962
Japan	18 December 1956
Jordan	14 December 1955
Kazakhstan	2 March 1992
Kenya	16 December 1963
Kiribati	14 September 1999
Kuwait	14 May 1963
Kyrgyzstan	2 March 1992
Lao People's Democratic Republic	14 December 1955
Latvia	17 September 1991
Lebanon	Original Member
Lesotho	17 October 1966
Liberia	Original Member
Libyan Arab Jamahiriya	14 December 1955
Liechtenstein	18 September 1990
Lithuania	17 September 1991
Luxembourg	Original Member
Madagascar	20 September 1960
Malawi	1 December 1964
Malaysia	17 September 1957
Maldives	21 September 1965
Mali	28 September 1960
Malta	1 December 1964
Marshall Islands	17 September 1991

State	*Date of Admission*
Mauritania	27 October 1961
Mauritius	24 April 1968
Mexico	Original Member
Micronesia (Federated States of)	17 September 1991
Monaco	28 May 1993
Mongolia	27 October 1961
Morocco	12 November 1956
Mozambique	16 September 1975
Myanmar	19 April 1948
Namibia	23 April 1990
Nauru	14 September 1999
Nepal	14 December 1955
Netherlands	Original Member
New Zealand	,, ,,
Nicaragua	,, ,,
Niger	20 September 1960
Nigeria	7 October 1960
Norway	Original Member
Oman	7 October 1971
Pakistan	30 September 1947
Palau	15 December 1994
Panama	Original Member
Papua New Guinea	10 October 1975
Paraguay	Original Member
Peru	,, ,,
Philippines	,, ,,
Poland	,, ,,
Portugal	14 December 1955
Qatar	21 September 1971
Republic of Korea	17 September 1991
Republic of Moldova	2 March 1992
Romania	14 December 1955
Russian Federation	Original Member
Rwanda	18 September 1962
Saint Kitts and Nevis	23 September 1983
Saint Lucia	18 September 1979
Saint Vincent and the Grenadines	16 September 1980
Samoa	15 December 1976
San Marino	2 March 1992
Sao Tome and Principe	16 September 1975
Saudi Arabia	Original Member
Senegal	28 September 1960
Serbia and Montenegro	1 November 2000[1]

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[1] The Socialist Federal Republic of Yugoslavia was an original Member of the United Nations, the Charter having been signed on its behalf on 26 June 1945 and ratified

State	*Date of Admission*
Seychelles	21 September 1976
Sierra Leone	27 September 1961
Singapore	21 September 1965
Slovakia	19 January 1993
Slovenia	22 May 1992
Solomon Islands	19 September 1978
Somalia	20 September 1960
South Africa	Original Member
Spain	14 December 1955
Sri Lanka	" "
Sudan	12 November 1956
Suriname	4 December 1975
Swaziland	24 September 1968
Sweden	19 November 1946
Switzerland	10 September 2002
Syrian Arab Republic	Original Member
Tajikistan	2 March 1992
Thailand	16 December 1946
The former Yugoslav Republic of Macedonia	8 April 1993
Timor-Leste	27 September 2002
Togo	20 September 1960
Tonga	14 September 1999
Trinidad and Tobago	18 September 1962
Tunisia	12 November 1956
Turkey	Original Member
Turkmenistan	2 March 1992
Tuvalu	5 September 2000
Uganda	25 October 1962
Ukraine	Original Member
United Arab Emirates	9 December 1971
United Kingdom of Great Britain and Northern Ireland	Original Member
United Republic of Tanzania	14 December 1961
United States of America	Original Member
Uruguay	" "

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19 October 1945, until the dissolution of that State in 1992. The Federal Republic of Yugoslavia deposited with the Secretary-General of the United Nations, on 26 April 1999, a declaration of acceptance of the compulsory jurisdiction of the International Court of Justice. By General Assembly resolution A/RES/55/12 of 1 November 2000 the Federal Republic of Yugoslavia was admitted as a Member of the United Nations. The issue whether or not the Federal Republic of Yugoslavia was a Member of the United Nations between 1992 and 1 November 2000 has been raised in several pending cases before the Court. Following the adoption and the promulgation of the Constitutional Charter of Serbia and Montenegro by the Assembly of the Federal Republic of Yugoslavia on 4 February 2003, the name of the State of the Federal Republic of Yugoslavia was changed to Serbia and Montenegro.

State	*Date of Admission*
Uzbekistan	2 March 1992
Vanuatu	15 September 1981
Venezuela	Original Member
Viet Nam	20 September 1977
Yemen	30 September 1947
Zambia	1 December 1964
Zimbabwe	25 August 1980

(b) *States, not members of the United Nations, parties to the Statute*[1]

Article 93, paragraph 2, of the Charter of the United Nations provides that States which are not members of the United Nations may become parties to the Statute of the Court on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council[2].

The conditions laid down have hitherto been the same in each case. They were laid down for the first time as a result of a request by the Swiss Federal Council; on that occasion the General Assembly, on 11 December 1946, adopted resolution 91 (I) which prescribed the following conditions:

> "*(a)* Acceptance of the provisions of the Statute of the International Court of Justice;
>
> *(b)* Acceptance of all the obligations of a Member of the United Nations under Article 94 of the Charter;
>
> *(c)* An undertaking to contribute to the expenses of the Court such equitable amount as the General Assembly shall assess from time to time after consultation with the Swiss Government."[3]

The date on which the State concerned becomes a party to the Statute is that of the deposit with the Secretary-General of the United Nations of the instrument of acceptance of the conditions.

Pursuant to Article 4, paragraph 3, of the Statute, the conditions on which such a State may participate in the election of Members of the Court were laid down in resolution 264 (III) adopted by the General Assembly, upon the recommendation of the Security Council, on 8 October 1948. The operative part of this resolution lays down that:

> "1. Such a State shall be on an equal footing with the Members of the United Nations in respect to those provisions of the Statute which regulate the nominations of candidates for election by the General Assembly.

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[1] The full text of the resolutions referred to in this section is given on pages 175-183 of *I.C.J. Acts and Documents No. 5*.

[2] Before becoming Members of the United Nations, Japan, Liechtenstein, San Marino, Nauru and Switzerland were parties to the Statute of the Court, as from 2 April 1954, 29 March 1950, 18 February 1954, 29 January 1988 and 28 July 1948, respectively.

[3] See below, Chap. VIII, p. 379.

> 2. Such a State shall participate, in the General Assembly, in electing the members of the Court in the same manner as the Members of the United Nations.
>
> 3. Such a State, when in arrears in the payment of its contribution to the expenses of the Court, shall not participate in electing the members of the Court in the General Assembly if the amount of its arrears equals or exceeds the amount of the contribution due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a State to participate in the elections if it is satisfied that the failure to pay is due to conditions beyond the control of that State (see Charter, Article 19)."

The participation of such States in the procedure for amending the Statute of the Court (Charter, Art. 108; Statute, Art. 69) is governed by the following provisions of resolution 2520 (XXIV) adopted by the General Assembly, upon the recommendation of the Security Council, on 4 December 1969:

> "*(a)* A State which is a party to the Statute of the International Court of Justice, but is not a Member of the United Nations, may participate in the General Assembly in regard to amendments to the Statute in the same manner as the Members of the United Nations;
>
> *(b)* Amendments to the Statute of the International Court of Justice shall come into force for all States which are parties to the Statute when they have been adopted by a vote of two-thirds of the States which are parties to the Statute and ratified in accordance with their respective constitutional processes by two-thirds of the States which are parties to the Statute and in accordance with the provisions of Article 69 of the Statute and Article 108 of the Charter of the United Nations."

(c) *States, not parties to the Statute, to which the Court may be open*

The Court, which is open to States parties to the Statute, is also open to other States, in accordance with Article 35, paragraph 2, of the Statute[1]. This Article provides that the conditions upon which the Court shall be open to such States shall, subject to the special provisions contained in treaties in force, be laid down by the Security Council, but in no case shall such conditions place the parties in a position of inequality before the Court.

On 15 October 1946, the Security Council adopted resolution 9 (1946) which reads as follows:

> "The Security Council
>
> In virtue of the powers conferred upon it by Article 35, paragraph 2, of the Statute of the International Court of Justice and subject to the provisions of that Article,

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[1] See also Rules, Art. 26, para. 1 (*c*), and Art. 41, and below, Chap. VIII, p. 379.

Resolves that:

1. The International Court of Justice shall be open to a State which is not a party to the Statute of the International Court of Justice, upon the following condition, namely, that such State shall previously have deposited with the Registrar of the Court a declaration by which it accepts the jurisdiction of the Court, in accordance with the Charter of the United Nations and with the terms and subject to the conditions of the Statute and Rules of the Court, and undertakes to comply in good faith with the decision or decisions of the Court and to accept all the obligations of a Member of the United Nations under Article 94 of the Charter;

2. Such declaration may be either particular or general. A particular declaration is one accepting the jurisdiction of the Court in respect only of a particular dispute or disputes which have already arisen. A general declaration is one accepting the jurisdiction generally in respect of all disputes or of a particular class or classes of disputes which have already arisen or which may arise in the future. A State, in making such a general declaration, may, in accordance with Article 36, paragraph 2, of the Statute, recognize as compulsory, *ipso facto* and without special agreement, the jurisdiction of the Court, provided, however, that such acceptance may not, without explicit agreement, be relied upon vis-à-vis States parties to the Statute which have made the declaration in conformity with Article 36, paragraph 2, of the Statute of the International Court of Justice;

3. The original declarations made under the terms of this resolution shall be kept in the custody of the Registrar of the Court, in accordance with the practice of the Court. Certified true copies thereof shall be transmitted, in accordance with the practice of the Court, to all States parties to the Statute of the International Court of Justice, and to such other States as shall have deposited a declaration under the terms of this resolution, and to the Secretary-General of the United Nations;

4. The Security Council reserves the right to rescind or amend this resolution by a resolution which shall be communicated to the Court, and on the receipt of such communication and to the extent determined by the new resolution, existing declarations shall cease to be effective except in regard to disputes which are already before the Court;

5. All questions as to the validity or the effect of a declaration made under the terms of this resolution shall be decided by the Court."

In the past, particular declarations have been filed by Albania (1947) and by Italy (1953), and general declarations by Cambodia (1952), Ceylon (1952), the Federal Republic of Germany (1955, 1956, 1961, 1965 and 1971), Finland (1953 and 1954), Italy (1955), Japan (1951), Laos (1952), and the Republic of Viet Nam (1952).

2. *Basis of the Court's Jurisdiction*

The jurisdiction of the Court in contentious proceedings is based on the consent of the States to which it is open[1]. The form in which this consent is expressed determines the manner in which a case may be brought before the Court.

(a) *Special agreement*

Article 36, paragraph 1, of the Statute provides that the jurisdiction of the Court comprises all cases which the parties refer to it. Such cases normally come before the Court by notification to the Registry of an agreement known as a *special agreement* and concluded by the parties specially for this purpose[2]. The subject of the dispute and the parties must be indicated (Statute, Art. 40, para. 1; Rules, Art. 39).

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[1] In the following eight cases, the Court found that it could take no further steps upon an Application in which it was admitted that the opposing party did not accept its jurisdiction: *Treatment in Hungary of Aircraft and Crew of United States of America (United States of America* v. *Hungary) (United States of America* v. *USSR)*; *Aerial Incident of 10 March 1953 (United States of America* v. *Czechoslovakia)*; *Antarctica (United Kingdom* v. *Argentina) (United Kingdom* v. *Chile)*; *Aerial Incident of 7 October 1952 (United States of America* v. *USSR)*; *Aerial Incident of 4 September 1954 (United States of America* v. *USSR)*; *Aerial Incident of 7 November 1954 (United States of America* v. *USSR)*. On 1 July 1978 the present Rules of Court came into force, Article 38, paragraph 5, of which provides:

> "When the applicant State proposes to found the jurisdiction of the Court upon a consent thereto yet to be given or manifested by the State against which such application is made, the application shall be transmitted to that State. It shall not however be entered in the General List, nor any action be taken in the proceedings, unless and until the State against which such application is made consents to the Court's jurisdiction for the purposes of the case."

Article 38, paragraph 5, has been applied with regard to an Application filed by Hungary on 23 October 1992, instituting proceedings against the Czech and Slovak Republic, an Application filed by the Federal Republic of Yugoslavia on 16 March 1994, instituting proceedings against the Member States of NATO, an Application filed by Eritrea on 16 February 1999, instituting proceedings against Ethiopia, and an Application filed by the Republic of the Congo on 9 December 2002, instituting proceedings against France. In the cases concerning *Legality of Use of Force (Serbia and Montenegro* v. *France) (Serbia and Montenegro* v. *Germany) (Serbia and Montenegro* v. *Italy) (Serbia and Montenegro* v. *United States of America)*, Serbia and Montenegro (formerly called Yugoslavia) referred to Article IX of the Genocide Convention of 1948 and to Article 38, paragraph 5, of the Rules of Court as bases for the jurisdiction of the Court. The cases were entered in the General List on the basis of the reference to Article IX of the Genocide Convention.

[2] The following 16 cases were submitted to the Court by means of special agreements: *Asylum (Colombia/Peru)*; *Minquiers and Ecrehos (France/United Kingdom)*; *Sovereignty over Certain Frontier Land (Belgium/Netherlands)*; *North Sea Continental Shelf (Federal Republic of Germany/Denmark; Federal Republic of Germany/Netherlands)*; *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)*; *Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America)* (case referred to a Chamber); *Continental Shelf (Libyan Arab Jamahiriya/Malta)*; *Frontier Dispute (Burkina Faso/Republic of Mali)* (case referred to a Chamber); *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras)* (case referred to a Chamber); *Territorial Dispute (Libyan Arab Jamahiriya/Chad)*; *Gabčíkovo-Nagymaros Project (Hungary/Slovakia)*; *Kasikili/Sedudu Island*

(b) *Cases provided for in treaties and conventions*

Article 36, paragraph 1, of the Statute provides also that the jurisdiction of the Court comprises all matters specially provided for in treaties and conventions in force. In such cases a matter is normally brought before the Court by means of a written *application instituting proceedings*[1]; this is a unilateral document which must indicate the subject of the dispute and the parties (Statute, Art. 40, para. 1) and, as far as possible, specify the provision on which the applicant founds the jurisdiction of the Court (Rules, Art. 38).

A list of treaties and conventions governing the jurisdiction of the International Court of Justice in contentious cases is given in Chapter IV (Sec. III) of the present *Yearbook* (pp. 172-192). Furthermore, some of the agreements and conventions mentioned in Section I of Chapter IV (pp. 121-127) relate, in particular, to the jurisdiction of the Court in contentious proceedings.

To these instruments must be added other treaties and conventions concluded earlier and conferring jurisdiction upon the *Permanent Court of International Justice*, for Article 37 of the Statute of the International Court of Justice stipulates that whenever a treaty or convention in force provides for reference of a matter to a tribunal to have been instituted by the League of Nations, or to the *Permanent Court of International Justice*, the matter shall, as between the parties to the Statute, be referred to the International Court of Justice. The *Permanent Court* reproduced, in 1932, in its *Collection of Texts governing the Jurisdiction of the Court* (*P.C.I.J., Series D, No. 6*, fourth edition) and subsequently in Chapter X of its *Annual Reports* (*P.C.I.J., Series E, Nos. 8-16*) the relevant provisions of the instruments governing its jurisdiction. By virtue of the Article referred to above, some of these provisions now govern the jurisdiction of the International Court of Justice.

(c) *Compulsory jurisdiction in legal disputes*

The Statute provides that a State may recognize as compulsory, in relation to any other State accepting the same obligation, the jurisdiction

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(*Botswana/Namibia*); *Sovereignty over Pulau Ligitan and Pulau Sipadan* (*Indonesia/Malaysia*); *Frontier Dispute* (*Benin/Niger*); *Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge* (*Malaysia/Singapore*). In the *Corfu Channel* (*United Kingdom* v. *Albania*) case the Parties made a special agreement after delivery of the Judgment on the Preliminary Objection. The case concerning the *Arbitral Award Made by the King of Spain on 23 December 1906* (*Honduras* v. *Nicaragua*) was submitted by means of an application, but the Parties had previously concluded an agreement on the procedure to be followed in submitting the dispute to the Court.

[1] With the exception of the 16 cases listed on page 115, footnote 2, which were brought by the notification of a special agreement, all contentious cases have been brought before the Court by means of an application instituting proceedings, irrespective of whether the Court's jurisdiction was founded on a provision in a treaty or convention, declarations recognizing the Court's jurisdiction as obligatory made by each of the parties to the dispute, or any other alleged form of consent.

of the Court in legal disputes. These cases are brought before the Court by means of written applications. The conditions on which such compulsory jurisdiction may be recognized are stated in paragraphs 2-5 of Article 36 of the Statute, which read as follows:

> "2. The States parties to the present Statute may at any time declare that they recognize as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:
>
> (*a*) the interpretation of a treaty;
> (*b*) any question of international law;
> (*c*) the existence of any fact which, if established, would constitute a breach of an international obligation;
> (*d*) the nature or extent of the reparation to be made for the breach of an international obligation.
>
> 3. The declarations referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain States, or for a certain time.
>
> 4. Such declarations shall be deposited with the Secretary-General of the United Nations, who shall transmit copies thereof to the parties to the Statute and to the Registrar of the Court.
>
> 5. Declarations made under Article 36 of the Statute of the Permanent Court of International Justice and which are still in force shall be deemed, as between the parties to the present Statute, to be acceptances of the compulsory jurisdiction of the International Court of Justice for the period which they still have to run and in accordance with their terms."

Texts of declarations accepting the compulsory jurisdiction of the Court are given in Section II of Chapter IV below (pp. 127-172).

(d) *The Court itself decides any question as to its jurisdiction*

Article 36, paragraph 6, of the Statute provides that in the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court. Article 79 of the Rules lays down the conditions which govern the filing of preliminary objections[1].

(e) *Interpretation of a judgment*

Article 60 of the Statute provides that in the event of dispute as to the meaning or scope of a judgment, the Court shall construe it upon the request of any party. The request for interpretation may be made either by means of a special agreement between the parties or of an application by one or more of the parties (Rules, Art. 98)[1].

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[1] See below, Chap. V, Sec. III, part 3, p. 211.

(f) *Revision of a judgment*

An application for revision of a judgment may be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such party's ignorance was not due to negligence (Statute, Art. 61, para. 1). A request for revision is made by means of an application (Rules, Art. 99)[2].

II. ADVISORY JURISDICTION

The advisory jurisdiction of the Court is governed by Article 65 of the Statute and Article 96 of the Charter of the United Nations.

By virtue of Article 65 of the Statute, the Court may give an advisory opinion on any legal question at the request of whatever body may be authorized by or in accordance with the Charter of the United Nations to make such a request. An exact statement of the questions upon which the advisory opinion is asked must be contained in a *request for an advisory opinion*.

Article 96, paragraph 1, of the Charter provides that advisory opinions may be asked of the Court by the General Assembly or the Security Council on any legal question. Paragraph 2 of this Article adds:

> "Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities."

The following organs and agencies are at present authorized to request advisory opinions[3]:

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[1] An application for interpretation of the Judgment was made by Colombia in respect of the *Asylum (Colombia/Peru)* case and by Nigeria in respect of the Court's Judgment on preliminary objections of 11 June 1998 in the case concerning the *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon* v. *Nigeria)*.

[2] An application for revision of the Court's Judgment on preliminary objections of 11 July 1996 was filed by Yugoslavia in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina* v. *Yugoslavia)*. An application for revision and interpretation of the Judgment was filed by Tunisia in respect of the case concerning the *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)*. An application for revision of the Judgment of 11 September 1992 was filed by El Salvador in the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening)*.

[3] The International Refugee Organization, which had been authorized to request advisory opinions of the Court, ceased to exist in 1952. The Havana Charter for an International Trade Organization, which provides for the jurisdiction of the Court in proceedings in regard to advisory opinions, has not entered into force.

United Nations:
  General Assembly[1],
  Security Council[2],
  Economic and Social Council[3],
  Trusteeship Council,
  Interim Committee of the General Assembly;
International Labour Organization;
Food and Agriculture Organization of the United Nations;
United Nations Educational, Scientific and Cultural Organization[4];
World Health Organization[5];
International Bank for Reconstruction and Development;
International Finance Corporation;
International Development Association;
International Monetary Fund;
International Civil Aviation Organization;
International Telecommunication Union;
International Fund for Agricultural Development;
World Meteorological Organization;
International Maritime Organization[6];
World Intellectual Property Organization;
United Nations Industrial Development Organization;
International Atomic Energy Agency.

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[1] The General Assembly has requested 14 advisory opinions of the Court in the following 13 cases: *Conditions of Admission of a State to Membership in the United Nations (Article 4 of the Charter)*; *Reparation for Injuries Suffered in the Service of the United Nations*; *Interpretation of Peace Treaties with Bulgaria, Hungary and Romania, First Phase*; id., *Second Phase*; *Competence of the General Assembly for the Admission of a State to the United Nations*; *International Status of South West Africa*; *Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide*; *Effect of Awards of Compensation Made by the United Nations Administrative Tribunal*; *Voting Procedure on Questions Relating to Reports and Petitions concerning the Territory of South West Africa*; *Admissibility of Hearings of Petitioners by the Committee on South West Africa*; *Certain Expenses of the United Nations (Article 17, Paragraph 2, of the Charter)*; *Western Sahara*; *Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947*; *Legality of the Threat or Use of Nuclear Weapons*.

[2] The Security Council requested an advisory opinion of the Court concerning the *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)*.

[3] The Economic and Social Council requested an advisory opinion of the Court in two cases: *Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations* and *Difference Relating to Immunity from Legal Process of a Special Rapporteur of the Commission on Human Rights*.

[4] The Executive Board of Unesco requested an advisory opinion of the Court concerning *Judgments of the Administrative Tribunal of the ILO upon Complaints Made against Unesco*.

[5] The World Health Assembly requested an advisory opinion of the Court in two cases: *Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt* and *Legality of the Use by a State of Nuclear Weapons in Armed Conflict*.

[6] The Assembly of this organization requested an advisory opinion of the Court concerning the *Constitution of the Maritime Safety Committee of the Inter-Governmental Maritime Consultative Organization*.

In Section I of Chapter IV of the present *Yearbook* (pp. 121-127) will be found references to the instruments by virtue of which such requests may be submitted by the above organs and agencies.

CHAPTER IV

TEXTS GOVERNING THE JURISDICTION OF THE COURT

The present chapter, which is compiled from the information available to the Registry, presents a compendium of instruments governing the jurisdiction of the Court. It takes into account, so far as the Registry is informed of them, any amendments to those instruments which have affected their provisions concerning the jurisdiction of the Court. The inclusion or omission of any instrument should not be regarded as an indication of any view entertained by the Registry, or *a fortiori* by the Court, regarding the nature, scope or validity of the instrument in question.

I. INSTRUMENTS GOVERNING THE RELATIONSHIP OF ORGANS OF THE UNITED NATIONS AND INTERNATIONAL ORGANIZATIONS WITH THE COURT

This section lists provisions for the contentious or advisory jurisdiction of the Court in the following categories of instruments: constitutional texts of public international organizations; agreements concluded between the United Nations and other international organizations; authorizations accorded by the General Assembly of the United Nations to other organs of the United Nations or to international organizations by virtue of Article 96, paragraph 2, of the Charter[1]; multilateral conventions relating to the privileges and immunities of world-wide international organizations; agreements concluded by international organizations with States.

1. United Nations

Authorization to the *General Assembly* and the *Security Council* to request advisory opinions of the International Court of Justice: Charter, Article 96, paragraph 1.

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[1] By resolution 957 (X) of 8 November 1955 the General Assembly, amending the Statute of the United Nations Administrative Tribunal (Art. 11), authorized the *Committee on Applications for Review of Judgements of the United Nations Administrative Tribunal* to request advisory opinions of the International Court of Justice. By resolution 50/54 of 11 December 1995, the General Assembly amended the Tribunal's Statute again, *inter alia* deleting Article 11 with respect to Judgements rendered after 31 December 1995.

Authorization to the *Economic and Social Council* to request advisory opinions of the International Court of Justice: resolution 89 (I) of the General Assembly, 11 December 1946.

Authorization to the *Trusteeship Council* to request advisory opinions of the International Court of Justice: resolution 171 (II) of the General Assembly, 14 November 1947, paragraph B.

Authorization to the *Interim Committee of the General Assembly* to request advisory opinions of the International Court of Justice: resolution 196 (III) of the General Assembly, 3 December 1948, paragraph 3[1].

Convention on the privileges and immunities of the United Nations, adopted by the General Assembly on 13 February 1946, Article VIII, Section 30 (United Nations, *Treaty Series*, I, No. 4, Vol. 1).

Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, 26 June 1947, Article VIII, Section 21 (United Nations, *Treaty Series*, I, No. 147, Vol. 11).

Agreement between Chile and the United Nations Economic Commission for Latin America regulating conditions for the operation, in Chile, of the Headquarters of the Commission, 16 February 1953, Article XI, Section 21 (United Nations, *Treaty Series*, I, No. 4541, Vol. 314).

Agreement between the United Nations and Thailand relating to the Headquarters of the Economic Commission for Asia and the Far East in Thailand, 26 May 1954, Article XIII, Section 26 (United Nations, *Treaty Series*, I, No. 3703, Vol. 260).

Agreement between the United Nations and Ethiopia regarding the Headquarters of the United Nations Economic Commission for Africa, 18 June 1958, Article IX (United Nations, *Treaty Series*, I, No. 4597, Vol. 317).

Agreement between the United Nations and Japan regarding the Headquarters of the United Nations University, 14 May 1976, Section 22 (United Nations, *Treaty Series*, I, No. 14839, Vol. 1009).

Agreement between the United Nations and Greece regarding the headquarters of the Co-ordinating Unit for the Mediterranean Action Plan, 11 February 1982, Section 26 (United Nations, *Treaty Series*, I, No. 20736, Vol. 1261).

2. All Specialized Agencies

Convention on the privileges and immunities of the specialized agencies, approved by the General Assembly of the United Nations on

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[1] The mandate of the Interim Committee was extended indefinitely by resolution 295 (IV) of the General Assembly of 21 November 1949, paragraph 3 of which preserved its authority to request advisory opinions of the Court.

21 November 1947, Article VII, Section 24, and Article IX, Section 32 (United Nations, *Treaty Series*, I, No. 521, Vol. 33).

3. International Labour Organization

Instrument for the amendment of the Constitution of the International Labour Organisation, 9 October 1946, Articles 29, 31-34 and 37 (United Nations, *Treaty Series*, I, No. 229, Vol. 15).

Agreement between the United Nations and the International Labour Organisation, approved by the General Assembly of the United Nations on 14 December 1946, Article IX (United Nations, *Treaty Series*, II, No. 9, Vol. 1).

Statute of the Administrative Tribunal of the International Labour Organisation, adopted by the International Labour Conference on 9 October 1946 and modified by the Conference on 29 June 1949, Article XII[1].

4. Food and Agriculture Organization of the United Nations

Constitution of the Food and Agriculture Organization of the United Nations, 16 October 1945, as amended in 1957, Article XVII (Food and Agriculture Organization of the United Nations, *Basic Texts*, Vol. I, 1968).

Agreement between the United Nations and the Food and Agriculture Organization of the United Nations, approved by the General Assembly of the United Nations on 14 December 1946, Article IX (United Nations, *Treaty Series*, II, No. 10, Vol. 1).

Terms of appointment of the Director-General of the Food and Agriculture Organization of the United Nations: recommendation by the Conference of the Organization, 27 October 1945, paragraph 3 (Food and Agriculture Organization of the United Nations, *Report of the First Session of the Conference*, 16 October-1 November 1945).

5. United Nations Educational, Scientific and Cultural Organization

Constitution of the United Nations Educational, Scientific and Cultural Organization, 16 November 1945, Articles V, paragraph 11 (adopted in

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[1] The jurisdiction of this Tribunal, which is open to officials of the International Labour Organisation or other persons claiming under the terms of appointment of an official, has been recognized also by the following international organizations, which are authorized to request advisory opinions: Food and Agriculture Organization of the United Nations; United Nations Educational, Scientific and Cultural Organization; World Health Organization; International Telecommunication Union; World Meteorological Organization; World Intellectual Property Organization; International Atomic Energy Agency.

1952), and XIV, paragraph 2 (United Nations, *Treaty Series*, I, No. 52, Vol. 4)[1].

Agreement between the United Nations and the United Nations Educational, Scientific and Cultural Organization, approved by the General Assembly of the United Nations on 14 December 1946, as revised and approved by the General Assembly of the United Nations on 8 December 1962, Article X[2] (United Nations, *Treaty Series*, II, No. 11, Vol. 1; *ibid.*, General Assembly, resolution 1786 (XVII)).

Agreement between the United Nations Educational, Scientific and Cultural Organization and France regarding the Headquarters of Unesco and the privileges and immunities of the Organization on French territory, 2 July 1954, Article 29 (United Nations, *Treaty Series*, I, No. 5103, Vol. 357).

6. *World Health Organization*

Constitution of the World Health Organization, 22 July 1946, Articles 75-77 (United Nations, *Treaty Series*, I, No. 221, Vol. 14).

Agreement between the United Nations and the World Health Organization, approved by the General Assembly of the United Nations on 15 November 1947, Article X (United Nations, *Treaty Series*, II, No. 115, Vol. 19).

7. *International Bank for Reconstruction and Development, International Finance Corporation and International Development Association*

Agreement between the United Nations and the International Bank for Reconstruction and Development, approved by the General Assembly of the United Nations on 15 November 1947, Article VIII (United Nations, *Treaty Series*, II, No. 109, Vol. 16).

Agreement on relationship between the United Nations and the International Finance Corporation, approved by the General Assembly of the United Nations on 20 February 1957, paragraph 1 (United Nations, *Treaty Series*, II, No. 546, Vol. 265).

Agreement on relationship between the United Nations and the International Development Association, approved by the General Assembly of the United Nations on 27 March 1961, Article I (United Nations, *Treaty Series*, II, No. 582, Vol. 394).

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[1] See also Rules of Procedure of the General Conference of Unesco, Rule 33, and the Protocol of 10 December 1962 instituting a Conciliation and Good Offices Commission to be responsible for seeking the settlement of any disputes which may arise between States parties to the Convention against Discrimination in Education, Article 18 (Unesco document 12C/Resolutions).

[2] Article XI before the revision of 1962.

8. International Monetary Fund

Agreement between the United Nations and the International Monetary Fund, approved by the General Assembly of the United Nations on 15 November 1947, Article VIII (United Nations, *Treaty Series*, II, No. 108, Vol. 16).

9. International Civil Aviation Organization

Convention on International Civil Aviation, 7 December 1944, Articles 84-86 (United Nations, *Treaty Series*, I, No. 10612, Vol. 740; ICAO, *Convention on International Civil Aviation*, 1969).

Agreement between the United Nations and the International Civil Aviation Organization, approved by the General Assembly of the United Nations on 14 December 1946, Article X (United Nations, *Treaty Series*, II, No. 45, Vol. 8).

Agreement between the International Civil Aviation Organization and Canada regarding the Headquarters of the Organization, 14 April 1951, Article VII, Section 31 (United Nations, *Treaty Series*, I, No. 1335, Vol. 96).

10. International Telecommunication Union

Agreement between the United Nations and the International Telecommunication Union, approved by the General Assembly of the United Nations on 15 November 1947, Article VII (United Nations, *Treaty Series*, II, No. 175, Vol. 30).

11. World Meteorological Organization

Agreement between the United Nations and the World Meteorological Organization, approved by the General Assembly of the United Nations on 20 December 1951, Article VII (United Nations, *Treaty Series*, II, No. 415, Vol. 123).

12. International Maritime Organization

Convention on the Inter-Governmental Maritime Consultative Organization, 6 March 1948, entered into force on 17 March 1958, Articles 55 and 56 (United Nations, *Treaty Series*, I, No. 4214, Vol. 289)[1].

Agreement between the United Nations and the Inter-Governmental Maritime Consultative Organization, approved by the General Assembly of the United Nations on 18 November 1948, entered into force on

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[1] As from 22 May 1982 the Inter-Governmental Maritime Consultative Organization (IMCO) became the International Maritime Organization (IMO); the name of the organization was changed in the title of the 1948 Convention and the relevant Articles of the Convention were re-numbered 69 and 70.

13 January 1959, Article IX (United Nations, *Treaty Series*, II, No. 553, Vol. 324).

13. World Intellectual Property Organization

Agreement between the United Nations and the World Intellectual Property Organization, approved by the General Assembly of the United Nations on 17 December 1974, Article 12 (United Nations, *Treaty Series*, II, No. 729).

14. International Fund for Agricultural Development

Agreement between the United Nations and the International Fund for Agricultural Development, approved by the General Assembly of the United Nations on 15 December 1977, Article XIII (United Nations, *Treaty Series*, II, No. 806, Vol. 1080).

15. United Nations Industrial Development Organization

Constitution of the United Nations Industrial Development Organization, 8 April 1979, Article 22 (United Nations, *Treaty Series*, I, No. 23432, Vol. 1401).

Agreement between the United Nations Organization and the United Nations Industrial Development Organization, approved by the General Assembly of the United Nations on 17 December 1985, Article 12.

16. International Atomic Energy Agency

Statute of the International Atomic Energy Agency, 26 October 1956, Article XVII (United Nations, *Treaty Series*, I, No. 3988, Vol. 276).

Agreement concerning the relationship between the United Nations and the International Atomic Energy Agency, approved by the General Assembly of the United Nations on 14 November 1957, Article X (United Nations, *Treaty Series*, II, No. 548, Vol. 281).

Authorization to the International Atomic Energy Agency to request advisory opinions of the International Court of Justice: resolution 1146 (XII) of the General Assembly of the United Nations, 14 November 1957.

Agreement on the privileges and immunities of the International Atomic Energy Agency, approved by the Board of Governors of the Agency on 1 July 1959, Article X, Section 34 (United Nations, *Treaty Series*, I, No. 5334, Vol. 374).

Agreement between the International Atomic Energy Agency and Iraq, Lebanon, Libya, Tunisia, United Arab Republic, etc., for the establishment in Cairo of a Middle Eastern regional radio-isotope centre for the Arab countries, approved by the Board of Governors of the Agency on 14 September 1962, Article XVI (United Nations, *Treaty Series*, I, No. 7236, Vol. 494).

Nordic Mutual Emergency Assistance Agreement in connection with radiation accidents, signed on 17 October 1963 by the International Atomic Energy Agency, Denmark, Finland, Norway and Sweden, Article IX (United Nations, *Treaty Series*, I, No. 7585, Vol. 525).

II. DECLARATIONS RECOGNIZING AS COMPULSORY THE JURISDICTION OF THE COURT

The texts of declarations under Article 36, paragraph 2, of the Statute, which had not expired by effluxion of time, or whose withdrawal or replacement had not been notified by 31 July 2003 will be found below. The fact that a declaration is or is not included in this section, is without prejudice to its possible application by the Court in a particular case.

During the 12 months under review Cyprus notified the Secretary-General of the United Nations, on 3 September 2002, of its decision to terminate its declaration of 29 April 1988 and to file a new declaration recognizing as compulsory the jurisdiction of the Court. On 23 October 2002, the Permanent Mission of Costa Rica to the United Nations notified the Secretary-General of an Agreement of 26 September 2002 between the Governments of Nicaragua and of Costa Rica concerning Nicaragua's declaration. On 9 April 2003, the declaration of Peru was deposited with the Secretary-General. It was the first such declaration made by that State.

In view of the provisions of Article 36, paragraph 5, of the Statute of the International Court of Justice, the present section also contains the texts of declarations made under the Statute of the *Permanent Court of International Justice* which have not lapsed or been withdrawn. There are now six such declarations.

The declarations, deposited by a total of 64 States[1], are given here in English[2]. Where this is not the original language of the declaration, the translations used, except where otherwise indicated, are by the Secretariat of the United Nations or of the League of Nations.

The date shown after the name of the State is that on which the declaration was deposited.

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[1] Since 1951, thirteen other declarations relating to the jurisdiction of the International Court of Justice, either expressly or by virtue of Article 36, paragraph 5, of the Statute, have expired, been withdrawn or been terminated without being subsequently replaced. These were the declarations of the following States: Bolivia, Brazil, China, Colombia, El Salvador, France, Guatemala, Iran, Israel, South Africa, Thailand, Turkey and the United States (United Nations, *Treaty Series*, I, No. 261, Vol. 16; I, No. 237, Vol. 15; I, No. 5, Vol. 1; *I.C.J. Yearbook 1987-1988*, pp. 70-72; United Nations, *Treaty Series*, I, No. 8196, Vol. 562; I, No. 12, Vol. 1; *I.C.J. Yearbook 1946-1947*, p. 211; *I.C.J. Yearbook 1984-1985*, pp. 79-80; United Nations, *Treaty Series*, I, No. 2935, Vol. 216; I, No. 844, Vol. 65; I, No. 50, Vol. 4; *I.C.J. Yearbook 1984-1985*, pp. 99-100).

[2] French texts of the declarations are given in the French counterpart of the *I.C.J. Yearbook*, the *C.I.J. Annuaire*.

AUSTRALIA[1]

22 III 2002.

Whereas on the first day of November one thousand nine hundred and forty-five Australia ratified the Charter of the United Nations, of which the Statute of the International Court of Justice is an integral part; and

Whereas the Government of Australia deposited for and on behalf of Australia on the first day of November one thousand nine hundred and forty-five its instrument of ratification to the Statute of the International Court of Justice done at San Francisco on the twenty-sixth day of June, one thousand nine hundred and forty-five; and

Whereas Australia made a declaration under paragraph 2 of Article 36, of the said Statute on the thirteenth day of March one thousand nine hundred and seventy-five effective until such time as notice may be given to withdraw that declaration;

The Government of Australia, having considered the said declaration, hereby gives notice effective immediately of the *withdrawal* of that declaration and *replaces* the same with the following declaration:

The Government of Australia declares that it recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to the Secretary-General of the United Nations withdrawing this declaration. This declaration is effective immediately.

This declaration does not apply to:

(*a*) any dispute in regard to which the parties thereto have agreed or shall agree to have recourse to some other method of peaceful settlement;

(*b*) any dispute concerning or relating to the delimitation of maritime zones, including the territorial sea, the exclusive economic zone and the continental shelf, or arising out of, concerning, or relating to the exploitation of any disputed area of or adjacent to any such maritime zone pending its delimitation;

(*c*) any dispute in respect of which any other party to the dispute has accepted the compulsory jurisdiction of the Court only in relation to or for the purpose of the dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other party to the dispute was deposited less than 12 months prior to the filing of the application bringing the dispute before the Court.

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[1] This declaration replaced that of 13 March 1975 (United Nations, *Treaty Series*, Vol. 961, p. 183), notice of the withdrawal and termination of which was given by letter of 22 March 2002, received by the Secretary-General of the United Nations.

In witness whereof, I, Alexander John Gosse Downer, Minister for Foreign Affairs, have hereunto set my hand and affixed my seal.

Done at Canberra this 21st day of March, two thousand and two.

(Signed) Alexander John Gosse DOWNER,
Minister for Foreign Affairs of Australia.

AUSTRIA

19 V 71.

I hereby declare that the Republic of Austria recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State which accepts or has accepted the same obligation, the jurisdiction of the International Court of Justice in all legal disputes referred to in paragraph 2 of Article 36 of the Statute of the International Court of Justice.

This Declaration does not apply to any dispute in respect of which the parties thereto have agreed or shall agree to have recourse to other means of peaceful settlement for its final and binding decision.

This Declaration shall remain in force for a period of five years and thereafter until it will be terminated or modified by a written declaration.

Done at Vienna on 28 April 1971.

(Signed) JONAS,
The Federal President.

In witness whereof the present declaration has been countersigned by the Federal Chancellor and the Minister for Foreign Affairs and the national seal of the Republic of Austria has been affixed thereto.

(Signed) Bruno KREISKY,
The Federal Chancellor.

(Signed) Rudolf KIRCHSCHLAEGER,
The Federal Minister for Foreign Affairs.

BARBADOS

1 VIII 80.

I have the honour to declare on behalf of the Government of Barbados that:

The Government of Barbados accepts as compulsory, *ipso facto*, and without special agreement, on condition of reciprocity, the jurisdiction of the International Court of Justice in conformity with paragraph 2 of Article 36 of the Court until such time as notice might be given to terminate the acceptance, over all disputes arising after the declaration is made, other than:

(a) disputes in regard to which parties have agreed or shall agree to have recourse to some other method of peaceful settlement,
(b) disputes with the government of any other country which is a Member of the Commonwealth of Nations, all of which disputes shall be settled in such manner as the parties have agreed or shall agree,
(c) disputes with regard to questions which by international law fall exclusively within the jurisdiction of Barbados,
(d) disputes arising out of or concerning jurisdiction or rights claimed or exercised by Barbados in respect of the conservation, management or exploitation of the living resources of the sea, or in respect of the prevention or control of pollution or contamination of the marine environment in marine areas adjacent to the coast of Barbados.

24 July 1980.

(Signed) H. de B. FORDE,
Minister of External Affairs.

BELGIUM[1]

[Translation from the French] 17 VI 58.

I declare on behalf of the Belgian Government that I recognize as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice, in conformity with Article 36, paragraph 2, of the Statute of the Court, in legal disputes arising after 13 July 1948 concerning situations or facts subsequent to that date, except those in regard to which the parties have agreed or may agree to have recourse to another method of pacific settlement.

This declaration is made subject to ratification[2]. It shall take effect on the day of deposit of the instrument of ratification for a period of five years. Upon the expiry of that period, it shall continue to have effect until notice of its termination is given.

Brussels, 3 April 1958.

(Signed) V. LAROCK,
Minister
for Foreign Affairs.

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[1] Belgium had deposited in 1948 a declaration valid for five years (United Nations, *Treaty Series*, I. No. 260, Vol. 16).

[2] The instrument of ratification was deposited on 17 June 1958.

BOTSWANA

16 III 70.

I, Sir Seretse Khama, President of the Republic of Botswana, have the honour to declare on behalf of the Government of the Republic of Botswana, that it recognizes as compulsory *ipso facto* and without special agreement, on condition of reciprocity, the jurisdiction of the International Court of Justice, in accordance with paragraph 2 of Article 36 of the Statute of the Court.

This Declaration does not extend:

(a) to disputes in respect of which the parties have agreed or shall agree to have recourse to another means of peaceful settlement; or

(b) to disputes relating to matters which, by international law, are essentially within the domestic jurisdiction of the Republic of Botswana.

The Government of the Republic of Botswana also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification, either to add to, amend or withdraw any of the foregoing reservations, or any that may hereafter be added.

Done at Gaborone this 14th day of January in the year of our Lord one thousand nine hundred and seventy.

(Signed) Seretse M. KHAMA,
President.

BULGARIA

[Translation from the Bulgarian] 24 VI 92.

On behalf of the Government of the Republic of Bulgaria, I have the honour to declare that in conformity with Article 36, paragraph 2, of the Statute of the International Court of Justice the Republic of Bulgaria recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the Court in all legal disputes arising out of facts and situations subsequent to or continuing to exist after the entry into force of the present Declaration, concerning:

1. the interpretation of a treaty;
2. any question of international law;
3. the existence of any fact which, if established, would constitute a breach of an international obligation;
4. the nature or extent of the reparation to be made for the breach of an international obligation,

except for disputes with any State which has accepted the compulsory jurisdiction of the International Court of Justice under Article 36, paragraph 2, of the Statute less than twelve months prior to filing an application bringing the dispute before the Court or where such acceptance has been made only for the purpose of a particular dispute.

The Republic of Bulgaria also reserves the right at any time to modify the present Declaration, the modifications taking effect six months after the deposit of the notification thereof.

The present Declaration shall be in force for a period of five years from the date of its deposit with the Secretary-General of the United Nations. It shall continue in force thereafter until six months after a notice of its denunciation is given to the Secretary-General of the United Nations.

Sofia, 26 May 1992.

(Signed) S. GANEV,
Minister of Foreign Affairs
of the Republic of Bulgaria.

CAMBODIA

[Translation from the French] 19 IX 57.

On behalf of the Royal Government of Cambodia I have the honour to declare that, in accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice, I recognize as compulsory *ipso facto* and without special agreement, in relation to any other State Member of the United Nations accepting the same obligation, that is to say on condition of reciprocity, the jurisdiction of the said Court in all legal disputes, other than:

(1) disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;

(2) disputes with regard to questions which by international law fall exclusively within the jurisdiction of the Kingdom of Cambodia;

(3) disputes relating to any matter excluded from judicial settlement or compulsory arbitration by virtue of any treaty, convention or other international agreement or instrument to which the Kingdom of Cambodia is a party.

This declaration is valid for ten years from the date of its deposit. It shall remain in force thereafter until notice to the contrary has been given by the Royal Government of Cambodia.

Phnom-Penh, 9 September 1957.

(Signed) SIM VAR.

CAMEROON

[Translation from the French by the Registry] 3 III 94.

On behalf of the Government of the Republic of Cameroon, I have the honour to declare that:

The Government of the Republic of Cameroon, in accordance with Article 36, paragraph 2, of the Statute of the Court, recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the Court in all legal disputes.

This declaration shall remain in force for a period of five years. It shall subsequently continue to produce effect until contrary notification or written amendment by the Government of the Republic of Cameroon.

(Signed) Ferdinand Léopold OYONO,
Minister for Foreign Affairs.

CANADA

10 V 94.

On behalf of the Government of Canada,

(1) I give notice that I hereby terminate the acceptance by Canada of the compulsory jurisdiction of the International Court of Justice hitherto effective by virtue of the declaration made on 10 September 1985[1] in conformity with paragraph 2 of Article 36 of the Statute of the Court.

(2) I declare that the Government of Canada accepts as compulsory *ipso facto* and without special convention, on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate the acceptance, over all disputes arising after the present declaration with regard to situations or facts subsequent to this declaration, other than:

(a) disputes in regard to which the parties have agreed or shall agree to have recourse to some other method of peaceful settlement;

(b) disputes with the Government of any other country which is a member of the Commonwealth, all of which disputes shall be settled in such manner as the parties have agreed or shall agree;

(c) disputes with regard to questions which by international law fall exclusively within the jurisdiction of Canada; and

(d) disputes arising out of or concerning conservation and management measures taken by Canada with respect to vessels fishing in the NAFO Regulatory Area, as defined in the Convention on Future Multilateral Co-operation in the Northwest Atlantic Fisheries, 1978, and the enforcement of such measures.

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[1] *I.C.J. Yearbook 1992-1993*, pp. 79-80.

(3) The Government of Canada also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification, either to add to, amend or withdraw any of the foregoing reservations, or any that may hereafter be added.

It is requested that this notification be communicated to the Governments of all the States that have accepted the Optional Clause and to the Registrar of the International Court of Justice.

New York, 10 May 1994.

(*Signed*) Louise FRÉCHETTE,
Ambassador and
Permanent Representative.

COSTA RICA

[Translation from the Spanish] 20 II 73.

The Government of Costa Rica recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes of the kinds referred to in Article 36, paragraph 2, of the Statute of the International Court of Justice. This Declaration shall be valid for a period of five years and shall be understood to be tacitly renewed for like periods, unless denounced before the expiration of the said period.

San José, 5 February 1973.

(*Signed*) Gonzalo J. FACIO,
Minister for Foreign Affairs.

CÔTE D'IVOIRE

[Translation from the French] 29 VIII 2001.

Concerned on the one hand to ensure the peaceful and equitable settlement of all international disputes, particularly those in which it might be involved, and on the other hand to contribute to the development and strengthening of international law, the Republic of Côte d'Ivoire, pursuant to Article 36, paragraph 2, of the Statute of the International Court of Justice, declares that it recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes concerning:

(*a*) the interpretation of a treaty;
(*b*) any question of international law;

(*c*) the existence of any fact which, if established, would constitute a breach of an international obligation;
(*d*) the nature or extent of the reparation to be made for the breach of an international obligation;

with the exception of:

1. disputes concerning which the parties have agreed to have recourse to some other method of settlement;
2. disputes with regard to questions which by international law fall within the exclusive competence of Côte d'Ivoire.

The present declaration has been made for an unlimited period, subject to the power of denunciation and modification attached to any obligation assumed by a State in its international relations.

It will enter into force when it is received by the Secretary-General of the United Nations.

Abidjan, 22 August 2001.

(*Signed*) Sangaré Abou DRAHAMANE,
Minister of State,
Minister for Foreign Affairs.

CYPRUS[1]

3 IX 2002.

I have the honour on behalf of the Government of the Republic of Cyprus to declare, in conformity with paragraph 2 of Article 36 of the Statute of the International Court of Justice, that the Republic of Cyprus accepts as compulsory *ipso facto* and without special agreement, on condition of reciprocity, the jurisdiction of the Court, in relation to any other State accepting the same obligation, over all legal disputes concerning:

(*a*) the interpretation of any treaty
  I. to which the Republic of Cyprus became a party on or after 16 August 1960 or
  II. which the Republic of Cyprus recognizes as binding on it by succession;
(*b*) any question of international law;
(*c*) the existence of any fact which, if established, would constitute a breach of an international obligation;
(*d*) the nature or extent of the reparation to be made for the breach of an international obligation.

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[1] This declaration replaced that of 29 April 1988 (United Nations, *Treaty Series*, Vol. 1502, p. 337), notice of the withdrawal and termination of which was given by letter of 3 September 2002, received by the Secretary-General of the United Nations.

Provided that this declaration shall not apply:

i. to disputes in respect of which any other party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purpose of the dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other party to the dispute was deposited or ratified less than twelve months prior to the filing of the application bringing the dispute before the Court;
ii. to disputes relating to questions which fall within the domestic jurisdiction of the Republic of Cyprus.

2. The Government of the Republic of Cyprus also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification, either to add to, amend or withdraw this declaration or any of the foregoing reservations or any that may hereafter be added.

Nicosia, 3 September 2002.

(*Signed*) Ioannis KASOULIDES,
Minister for Foreign Affairs.

DEMOCRATIC REPUBLIC OF THE CONGO

[Translation from the French] 8 II 89.

. . . in accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice:

The Executive Council of the Republic of Zaire recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:

(*a*) the interpretation of a treaty;
(*b*) any question of international law;
(*c*) the existence of any fact which, if established, would constitute a breach of an international obligation;
(*d*) the nature or extent of the reparation to be made for the breach of an international obligation.

It is understood further that this declaration will remain in force until notice of its revocation is given.

(*Signed*) Bagbeni Adeito NZENGEYA,
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative of Zaire
to the United Nations.

DENMARK[1]

[Translation from the French] 10 XII 56.

In conformity with the Royal Decree of 3 December 1956, I have the honour, on behalf of the Danish Government, to make the following declaration:

Pursuant to Article 36, paragraph 2, of the Statute of the International Court of Justice, the Kingdom of Denmark recognizes as compulsory *ipso facto* and without special agreement the jurisdiction of the Court in relation to any other State accepting the same obligation, that is to say on condition of reciprocity, for a period of five years from 10 December 1956 and thereafter for further periods of five years, if this declaration is not denounced by notice of not less than six months before the expiration of any five-year period.

New York, 10 December 1956.

(Signed) Karl I. ESKELUND,
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative
to the United Nations.

DOMINICAN REPUBLIC

[Translation from the French] 30 IX 24.

On behalf of the Government of the Dominican Republic and subject to ratification[2], I recognize, in relation to any other Member or State accepting the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the Court as compulsory, *ipso facto* and without special convention.

Geneva, 30 September 1924.

(Signed) Jacinto R. DE CASTRO.

EGYPT

22 VII 57.

I, Mahmoud Fawzi, Minister for Foreign Affairs of the Republic of Egypt, declare on behalf of the Government of the Republic of Egypt, that, in accordance with Article 36 (2) of the Statute of the International Court of Justice and in pursuance and for the purposes of paragraph 9 *(b)* of the Declaration of the Government of the Republic of Egypt dated 24 April 1957, on "the Suez Canal and the arrangements for its operation"[3], the Government of the Republic of Egypt accept as compulsory

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[1] This declaration replaced that of 10 December 1946, which had been made for a period of ten years as from that date (United Nations, *Treaty Series*, I, No. 10, Vol. 1).

[2] The instrument of ratification was deposited on 4 February 1933.

[3] United Nations, *Treaty Series*, I, No. 3821, Vol. 265.

ipso facto, on condition of reciprocity and without special agreement, the jurisdiction of the International Court of Justice in all legal disputes that may arise under the said paragraph 9 *(b)* of the above Declaration dated 24 April 1957, with effect as from that date.

18 July 1957.

(Signed) Mahmoud FAWZI.

ESTONIA

21 X 91.

I, Arnold Rüütel, Chairman of the Supreme Council of the Republic of Estonia, declare on behalf of the Republic of Estonia and in accordance with the Resolution of September 26, 1991 of the Supreme Council of the Republic of Estonia, that the Republic of Estonia recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court,

provided that this declaration shall not apply to disputes, the solution of which the parties shall entrust to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

Tallinn, 10 October 1991.

(Signed) A. RÜÜTEL,
Chairman of the Supreme Council.

FINLAND

[Translation from the French] 25 VI 58.

On behalf of the Finnish Government, I hereby declare that I recognize as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, that is to say, on condition of reciprocity, the jurisdiction of the International Court of Justice, in accordance with Article 36, paragraph 2, of the Statute of the Court, for a period of five years from 25 June 1958. This declaration shall be renewed by tacit agreement for further periods of the same duration, unless it is denounced not later than six months before the expiry of any such period. This declaration shall apply only to disputes arising in regard to situations or facts subsequent to 25 June 1958.

New York, 25 June 1958.

(Signed) G. A. GRIPENBERG,
Permanent Representative of Finland
to the United Nations.

GAMBIA

22 VI 66.

In accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice, I declare, on behalf of the Government of the Gambia, that the Gambia recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice until such time as notice may be given to terminate the acceptance, over all disputes arising in the future concerning:

(a) the interpretation of a treaty;
(b) any question of international law;
(c) the existence of any fact which, if established, would constitute a breach of an international obligation;
(d) the nature or extent of the reparation to be made for the breach of an international obligation;

with the reservation, however, that this declaration does not apply to

(a) disputes in regard to which the parties have agreed to a settlement other than by recourse to the International Court of Justice;
(b) disputes with any country in the Commonwealth;
(c) disputes which, by international law, fall exclusively within the jurisdiction of the Gambia.

Bathurst, 14 June 1966.

(Signed) A. B. N'JIE,
Minister of State for External Affairs.

GEORGIA

20 VI 95.

I have the honour on behalf of the Republic of Georgia to declare that, in accordance with paragraph 2 of Article 36 of the Statute of the International Court of Justice, the Republic of Georgia recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the Court in all legal disputes referred to in paragraph 2 of Article 36 of the Statute of the International Court of Justice.

Tbilisi, 16 June 1995.

(Signed) Alexander CHIKVAIDZE,
Minister of Foreign Affairs
of the Republic of Georgia.

GREECE

[Translation from the French] 10 I 94.

I declare, on behalf of the Greek Government, that I recognize as compulsory *ipso facto* and without special agreement, on condition of reciprocity, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes referred to in Article 36, paragraph 2, of the Statute of the Court. However, the Greek Government excludes from the competence of the Court any dispute relating to defensive military action taken by the Hellenic Republic for reasons of national defence.

This declaration shall remain in force for a period of five years. Upon the expiry of that period, it shall continue to have effect until notice of its termination is given.

Athens, 20 December 1993.

(Signed) Karolos PAPOULIAS,
Minister for Foreign Affairs.

GUINEA

[Unofficial translation from the French by the Registry] 4 XII 98.

I have the honour, in the name of the Government of the Republic of Guinea, to declare that, in conformity with Article 36, paragraph 2, of the Statute of the International Court of Justice, the said Government accepts as compulsory *ipso facto* and without special agreement, in relation to any other States accepting the same obligation, the jurisdiction of the Court in all legal disputes arising since 12 December 1958 and subsequent to this declaration concerning:

(a) the interpretation of a treaty;
(b) any question of international law;
(c) the existence of any fact which, if established, would constitute a breach of an international obligation;
(d) the nature or extent of the reparation to be made for the breach of an international obligation;

The Republic of Guinea makes this declaration on condition of reciprocity on the part of all States. However, it may refuse to accept the jurisdiction of the Court in the case of:

(a) disputes in respect of which the parties have agreed to have recourse to some other mode of settlement;
(b) disputes concerning questions which, under international law, fall within the exclusive jurisdiction of the Republic of Guinea.

Finally, the Government of the Republic of Guinea reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, to amend or withdraw this declaration.

Conakry, 11 November 1998.

(Signed) Lamine KAMARA,
Minister for Foreign Affairs.

GUINEA-BISSAU

[Translation from the French] 7 VIII 89.

In accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice, the Republic of Guinea-Bissau accepts as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the Court in all legal disputes referred to in Article 36, paragraph 2, of the Statute thereof.

This declaration will remain in force until six months following the date on which the Government of Guinea-Bissau makes known its intention of terminating it.

New York, 7 August 1989.

(Signed) Raul A. DE MELO CABRAL,
Chargé d'affaires a.i.

HAITI

[Translation from the French] 4 X 21.

On behalf of the Republic of Haiti, I recognize the jurisdiction of the Permanent Court of International Justice as compulsory.

(Signed) F. ADDOR,
Consul.

HONDURAS

[Translation from the Spanish] 6 VI 86.

The Government of the Republic of Honduras, duly authorized by the National Congress under Decree No. 75-86 of 21 May 1986 to modify the Declaration made on 20 February 1960 concerning Article 36, paragraph 2, of the Statute of the International Court of Justice, *hereby declares* that it modifies the Declaration made by it on 20 February 1960[1] as follows:

1. It recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes concerning:
   (a) the interpretation of a treaty;
   (b) any question of international law;

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[1] *I.C.J. Yearbook 1984-1985*, pp. 78-79.

(c) the existence of any fact which, if established, would constitute a breach of an international obligation;

(d) the nature or extent of the reparation to be made for the breach of an international obligation.

2. This Declaration shall not apply, however, to the following disputes to which the Republic of Honduras may be a party:

(a) disputes in respect of which the parties have agreed or may agree to resort to other means for the pacific settlement of disputes;

(b) disputes concerning matters subject to the domestic jurisdiction of the Republic of Honduras under international law;

(c) disputes relating to facts or situations originating in armed conflicts or acts of a similar nature which may affect the territory of the Republic of Honduras, and in which it may find itself involved directly or indirectly;

(d) disputes referring to:

(i) territorial questions with regard to sovereignty over islands, shoals and keys; internal waters, bays, the territorial sea and the legal status and limits thereof;

(ii) all rights of sovereignty or jurisdiction concerning the legal status and limits of the contiguous zone, the exclusive economic zone and the continental shelf;

(iii) the airspace over the territories, waters and zones referred to in this subparagraph.

3. The Government of Honduras also reserves the right at any time to supplement, modify or withdraw this Declaration or the reservations contained therein by giving notice to the Secretary-General of the United Nations.

4. This Declaration replaces the Declaration made by the Government of Honduras on 20 February 1960.

National Palace, Tegucigalpa, D.C., 22 May 1986.

(Signed) José AZCONA H.,
President of the Republic.

(Signed) Carlos LÓPEZ CONTRERAS,
The Secretary of State for Foreign Affairs.

HUNGARY

22 X 92.

The Republic of Hungary hereby recognizes as compulsory *ipso facto* and without special agreement, on condition of reciprocity, the jurisdiction of the International Court of Justice, in accordance with Article 36, paragraph 2, of the Statute of the Court in all disputes which may arise in respect of facts or situations subsequent to this declaration, other than:

(a) disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;

(b) disputes in regard to matters which by international law fall exclusively within the domestic jurisdiction of the Republic of Hungary;

(c) disputes relating to, or connected with, facts or situations of hostilities, war, armed conflicts, individual or collective actions taken in self-defence or the discharge of any functions pursuant to any resolution or recommendation of the United Nations, and other similar or related acts, measures or situations in which the Republic of Hungary is, has been or may in the future be involved;

(d) disputes in respect of which any other party to the dispute has accepted the compulsory jurisdiction of the Court only in relation to or for the purpose of such dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other party to the dispute was deposited less than twelve months prior to the filing of the application bringing the dispute before the Court.

The Government of the Republic of Hungary reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect of six months of such notification to amend, add to or withdraw any of the foregoing reservations or any that may hereafter be added.

This declaration shall remain in force until the expiration of six months after notification has been given of its termination.

Budapest, 7 October 1992.

(Signed) Dr. GÉZA JESZENSZKY,
Minister for Foreign Affairs
of the Republic of Hungary.

INDIA

18 IX 74.

I have the honour to declare, on behalf of the Government of the Republic of India, that they accept, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate such acceptance, as compulsory *ipso facto* and without special agreement, and on the basis and condition of reciprocity, the jurisdiction of the International Court of Justice over all disputes other than:

(1) disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method or methods of settlement;

(2) disputes with the government of any State which is or has been a Member of the Commonwealth of Nations;

(3) disputes in regard to matters which are essentially within the domestic jurisdiction of the Republic of India;

(4) disputes relating to or connected with facts or situations of hostilities, armed conflicts, individual or collective actions taken in self-defence, resistance to aggression, fulfilment of obligations imposed by international bodies, and other similar or related acts, measures or situations in which India is, has been or may in future be involved;

(5) disputes with regard to which any other party to a dispute has accepted the compulsory jurisdiction of the International Court of Justice exclusively for or in relation to the purposes of such dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of a party to the dispute was deposited or ratified less than 12 months prior to the filing of the application bringing the dispute before the Court;

(6) disputes where the jurisdiction of the Court is or may be founded on the basis of a treaty concluded under the auspices of the League of Nations, unless the Government of India specially agree to jurisdiction in each case;

(7) disputes concerning the interpretation or application of a multilateral treaty unless all the parties to the treaty are also parties to the case before the Court or Government of India specially agree to jurisdiction;

(8) disputes with the government of any State with which, on the date of an application to bring a dispute before the Court, the Government of India has no diplomatic relations or which has not been recognized by the Government of India;

(9) disputes with non-sovereign States or territories;

(10) disputes with India concerning or relating to:

  (a) the status of its territory or the modification or delimitation of its frontiers or any other matter concerning boundaries;
  (b) the territorial sea, the continental shelf and the margins, the exclusive fishery zone, the exclusive economic zone, and other zones of national maritime jurisdiction including for the regulation and control of marine pollution and the conduct of scientific research by foreign vessels;
  (c) the condition and status of its islands, bays and gulfs and that of the bays and gulfs that for historical reasons belong to it;
  (d) the airspace superjacent to its land and maritime territory; and
  (e) the determination and delimitation of its maritime boundaries.

(11) disputes prior to the date of this declaration, including any dispute the foundations, reasons, facts, causes, origins, definitions, allegations or bases of which existed prior to this date, even if they are submitted or brought to the knowledge of the Court hereafter.

2. This declaration revokes and replaces the previous declaration made by the Government of India on 14 September 1959[1].

New Delhi, 15 September 1974.

(*Signed*) Swaran SINGH,
Minister for External Affairs.

JAPAN

15 IX 58.

I have the honour, by direction of the Minister for Foreign Affairs, to declare on behalf of the Government of Japan, that in conformity with paragraph 2 of Article 36 of the Statute of the International Court of Justice, Japan recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation and on condition of reciprocity, the jurisdiction of the International Court of Justice, over all disputes which arise on and after the date of the present declaration with regard to situations or facts subsequent to the same date and which are not settled by other means of peaceful settlement.

This declaration does not apply to disputes which the parties thereto have agreed or shall agree to refer for final and binding decision to arbitration or judicial settlement.

This declaration shall remain in force for a period of five years and thereafter until it may be terminated by a written notice.

New York, 15 September 1958.

(*Signed*) Koto MATSUDAIRA,
Permanent Representative of Japan
to the United Nations.

KENYA

19 IV 65.

I have the honour to declare, on behalf of the Government of the Republic of Kenya that it accepts, in conformity with paragraph 2 of Article 36 of the Statute of the International Court of Justice until such time as notice may be given to terminate such acceptance, as compulsory *ipso facto* and without special agreement, and on the basis and condition of reciprocity, the jurisdiction over all disputes arising after 12 December 1963 with regard to situations or facts subsequent to that date, other than:

(1) disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method or methods of settlement;

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[1] United Nations, *Treaty Series*, I. No. 4871, Vol. 340.

(2) dispute with the government of any State which, on the date of this Declaration is a Member of the Commonwealth of Nations or may so become subsequently;

(3) disputes with regard to questions which by general rules of international law fall exclusively within the jurisdiction of Kenya;

(4) disputes concerning any question relating to or arising out of belligerent or military occupation or the discharge of any functions pursuant to any recommendation or decision of an organ of the United Nations, in accordance with which the Government of the Republic of Kenya have accepted obligations.

The Government of the Republic of Kenya reserves the right at any time by means of a notification addressed to the Secretary-General of the United Nations to add to, amend, or withdraw any of the foregoing reservations. Such notifications shall be effective on the date of their receipt by the Secretary-General of the United Nations.

Nairobi, 12 April 1965.

(*Signed*) Joseph MURUMBI,
Minister for External Affairs.

LESOTHO

6 IX 2000.

On behalf of the Kingdom of Lesotho, I have the honour to declare that the Kingdom of Lesotho recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State which accepts or has accepted the same obligation, the jurisdiction of the International Court of Justice in all legal disputes referred to in paragraph 2 of Article 36 of the Statute of the International Court of Justice.

This Declaration does not apply to any dispute the solution of which the parties thereto have agreed or shall agree to have recourse to other means of peaceful settlement for its final and binding decision.

This Declaration shall remain in force until notice of its termination is given.

Dated at Maseru, this 31st day of August 2000.

(*Signed*) Motsoahae Thomas THABANE,
Minister of Foreign Affairs.

LIBERIA

20 III 52.

On behalf of the Government of the Republic of Liberia, I, Gabriel L. Dennis, Secretary of State of Liberia, subject to ratification, declare that the Republic of Liberia recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State, also a party to the Statute pursuant to Article 93 of the United Nations Charter, which accepts the same obligation (i.e., subject to reciprocity), the jurisdiction of the International Court of Justice in all legal disputes arising after ratification concerning:

(*a*) the interpretation of a treaty;
(*b*) any question of international law;
(*c*) the existence of any fact which, if established, would constitute a breach of an international obligation;
(*d*) the nature or extent of the reparation to be made for the breach of an international obligation.

This declaration does not apply:

(*a*) to any dispute which the Republic of Liberia considers essentially within its domestic jurisdiction;
(*b*) to any dispute in regard to which the parties have agreed or may agree to bring before other tribunals as a result of agreements already existing or which may be made in the future.

The present declaration has been made for a period of five years as from the date of deposit of the ratification[1] and thereafter until notice of termination is given.

Done at Monrovia this 3rd day of March 1952.

(*Signed*) Gabriel L. DENNIS,
Secretary of State.

LIECHTENSTEIN

[*Translation from the French*] 29 III 50.

The Government of the Principality of Liechtenstein, duly authorized by His Serene Highness, the Reigning Prince François Joseph II, in accordance with the Order of the Diet of the Principality of Liechtenstein dated 9 March 1950, which came into force on 10 March 1950,

declares by these presents that the Principality of Liechtenstein recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes concerning:

(*a*) the interpretation of a treaty;
(*b*) any question of international law;
(*c*) the existence of any fact which, if established, would constitute a breach of an international obligation;

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[1] The instrument of ratification, dated 30 March 1953, was deposited on 17 April 1953.

(*d*) the nature or extent of the reparation to be made for the breach of an international obligation.

The present declaration, which is made under Article 36 of the Statute of the International Court of Justice, shall take effect from the date on which the Principality becomes a party to the Statute[1] and shall have effect as long as the declaration has not been revoked subject to one year's notice.

Done at Vaduz, 10 March 1950.

On behalf of the Government of
the Principality of Liechtenstein,
(*Signed*) A. FRICK,
The Head of Government.

LUXEMBOURG[2]

[*Translation from the French*] 15 IX 30.

The Government of the Grand-Duchy of Luxembourg recognizes as compulsory, *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, that is to say on condition of reciprocity, the jurisdiction of the Court in conformity with Article 36, paragraph 2, of the Statute, in any disputes arising after the signature of the present declaration with regard to situations or facts subsequent to this signature, except in cases where the parties have agreed or shall agree to have recourse to another procedure or to another method of pacific settlement. The present declaration is made for a period of five years. Unless it is denounced six months before the expiration of that period, it shall be considered as renewed for a further period of five years and similarly thereafter.

Geneva, 15 September 1930.

(*Signed*) BECH.

MADAGASCAR

[*Translation from the French*] 2 VII 92.

On behalf of the Government of Madagascar, I declare under Article 36, paragraph 2, of the Statute of the International Court of Justice that Madagascar accepts as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation and until such time as notice may be given to terminate this acceptance, the compulsory jurisdiction of the Court in all legal disputes concerning:

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[1] Liechtenstein became a party to the Statute of the Court on 29 March 1950.

[2] The Government of Luxembourg had in 1921 signed the Optional Clause subject to ratification. That declaration was, however, never ratified.

- the interpretation of a treaty;
- any question of international law;
- the existence of any fact which, if established, would constitute a breach of an international obligation;
- the nature or extent of the reparation to be made for the breach of an international obligation.

The present declaration does not apply:

- to disputes in regard to which the parties have agreed to have recourse to some other method of settlement;
- disputes relating to questions which, under international law, fall exclusively within the jurisdiction of Madagascar.

The Government of Madagascar also reserves the right to add to, amend or withdraw the foregoing reservations by means of a notification addressed to the Secretary-General of the United Nations, which would take effect on the date of its receipt by the Secretary-General.

Antananarivo, 12 May 1992.

(*Signed*) Césaire RABENORO,
Minister for Foreign Affairs.

MALAWI

12 XII 66.

On behalf of the Government of Malawi, I declare under Article 36, paragraph 2, of the Statute of the International Court of Justice that I recognize as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, on condition of reciprocity, the jurisdiction of the International Court of Justice in all legal disputes which may arise in respect of facts or situations subsequent to this declaration concerning —

(*a*) the interpretation of a treaty;
(*b*) any question of international law;
(*c*) the existence of any fact which, if established, would constitute a breach of an international obligation;
(*d*) the nature or extent of the reparation to be made for the breach of an international obligation:

Provided that this declaration shall not apply to —

(i) disputes with regard to matters which are essentially within the domestic jurisdiction of the Republic of Malawi as determined by the Government of Malawi;

(ii) disputes in regard to which the parties of the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement; or

(iii) disputes concerning any question relating to or arising out of belligerent or military occupation.

The Government of Malawi also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, to add to, amend, or withdraw any of the foregoing reservations or any that may hereafter be added. Such notifications shall be effective on the date of their receipt by the Secretary-General of the United Nations.

Given under my hand in Zomba this 22nd day of November 1966.

(*Signed*) H. KAMUZU BANDA,
President and
Minister for External Affairs.

MALTA[1]

6 XII 66.

I have the honour to declare, on behalf of the Government of Malta, that Malta accepts as compulsory *ipso facto* and without special convention, on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate the acceptance, over all disputes other than:

(i) disputes in regard to which the Parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;

(ii) disputes with the government of any other country which is a Member of the British Commonwealth of Nations, all of which disputes shall be settled in such manner as the Parties have agreed or shall agree;

(iii) disputes with regard to questions which by international law fall exclusively within the jurisdiction of Malta;

(iv) disputes concerning any question relating to or arising out of belligerent or military occupation or the discharge of any functions pursuant to any recommendation or decision of an organ of the United Nations, in accordance with which the Government of Malta have accepted obligations;

(v) disputes arising under a multilateral treaty, unless (1) all Parties to the treaty affected by the decision are also Parties to the case before the Court, or (2) the Government of Malta specially agrees to jurisdiction;

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[1] By letter of 13 May 1983 to the Secretary-General of the United Nations, the Minister for Foreign Affairs notified the withdrawal, with immediate effect, of a declaration concerning a particular category of disputes which was filed on 23 January 1981 and which is reproduced in *I.C.J. Yearbook 1981-1982*, p. 78.

(vi) disputes relating to any matter excluded from compulsory adjudication or arbitration under any treaty, convention or other international agreement or instrument to which Malta is a Party;

(vii) disputes in respect of which arbitral or judicial proceedings are taking, or have taken place with any State which, at the date of the commencement of the proceedings, had not itself accepted the compulsory jurisdiction of the International Court of Justice; and

(viii) disputes in respect of which any other Party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purposes of the dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other Party to the dispute was deposited or ratified less than twelve months prior to the filing of the application bringing the dispute before the Court.

The Government of Malta also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification either to add to, amend or withdraw any of the foregoing reservations or any that may hereafter be added.

Valletta, 29 November 1966.

(*Signed*) G. FELICE,
Acting Minister of Commonwealth
and Foreign Affairs.

2 IX 83.

I have the honour to refer to the declaration made by the Government of Malta on 29 November 1966, and notified on 6 December 1966, concerning the compulsory jurisdiction of the International Court of Justice and to give notice that, with effect from the moment this notification is received by Your Excellency, the acceptance of the Government of Malta of the jurisdiction of the Court shall be limited to all disputes with Malta other than

(1) the disputes mentioned in paragraphs (i) to (viii) both inclusive, of the said declaration, and

(2) the following categories of disputes, that is to say:

Disputes with Malta concerning or relating to:

(*a*) its territory, including the territorial sea, and the status thereof,

(*b*) the continental shelf or any other zone of maritime jurisdiction, and the resources thereof,

(*c*) the determination or delimitation of any of the above, (*d*) the prevention or control of pollution or contamination of the marine environment in marine areas adjacent to the coast of Malta.

The Government of Malta also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect from the moment of such notification, either to add to, amend or withdraw any of the foregoing reservations or any that may hereafter be added.

(*Signed*) Alex SCEBERAS TRIGONA,
Minister for Foreign Affairs.

MAURITIUS

23 IX 68.

I have the honour to declare, on behalf of the Government of Mauritius, that Mauritius accepts as compulsory *ipso facto* and without special convention, on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate the acceptance, over all disputes other than:

(i) disputes in regard to which the Parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;

(ii) disputes with the Government of any other country which is a Member of the British Commonwealth of Nations, all of which disputes shall be settled in such manner as the parties have agreed or shall agree;

(iii) disputes with regard to questions which by international law fall exclusively within the jurisdiction of Mauritius;

(iv) disputes concerning any question relating to or arising out of belligerent or military occupation or the discharge of any functions pursuant to any recommendation or decision of an organ of the United Nations, in accordance with which the Government of Mauritius has accepted obligations;

(v) disputes relating to any matter excluded from compulsory adjudication or arbitration under any treaty, convention or other international agreement or instrument to which Mauritius is a party;

(vi) disputes in respect of which arbitral or judicial proceedings are taking, or have taken place with any State which, at the date of the commencement of the proceedings, had not itself accepted the compulsory jurisdiction of the International Court of Justice; and

(vii) disputes in respect of which any other Party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purposes of the dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other Party to the dispute was deposited or ratified less than twelve months prior to the filing of the application bringing the dispute before the Court.

The Government of Mauritius also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification either to add to, amend or withdraw any of the foregoing reservations or any that may hereafter be added.

Port Louis, 4 September 1968.

(Signed) S. RAMGOOLAM,
Prime Minister and
Minister for External Affairs.

MEXICO

[Translation from the Spanish] 28 X 47.

In regard to any legal dispute that may in future arise between the United States of Mexico and any other State out of events subsequent to the date of this Declaration, the Mexican Government recognizes as compulsory *ipso facto*, and without any special agreement being required therefor, the jurisdiction of the International Court of Justice in accordance with Article 36, paragraph 2, of the Statute of the said Court, in relation to any other State accepting the same obligation, that is, on condition of strict reciprocity. This Declaration, which does not apply to disputes arising from matters that, in the opinion of the Mexican Government, are within the domestic jurisdiction of the United States of Mexico, shall be binding for a period of five years as from 1 March 1947 and after that date shall continue in force until six months after the Mexican Government gives notice of denunciation.

Mexico, D.F., 23 October 1947.

(Signed) Jaime TORRES BODET,
Secretary of State for External Relations.

NAURU

9 IX 92.

On behalf of the Government of the Republic of Nauru, I have the honour to refer to the Republic's Declaration dated 30 December 1987[1], deposited with the United Nations Secretary-General on 29 January 1988, whereby the Republic has accepted as compulsory, *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice, in accordance with Article 36, paragraph 2, of the Statute of the Court, and stipulated that the acceptance of the Court's jurisdiction shall extend to all disputes to which the Republic is or may be a party, other than any dispute with respect to which there exists a dispute settlement mechanism under an agreement between the Republic of Nauru and another State.

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[1] *I.C.J. Yearbook 1987-1988*, p. 84.

I have the further honour to declare that the aforesaid Declaration shall stand renewed and extended on 29 January 1993 and continue to be in force for a further period of five years from that date.

In witness whereof, I set my hand and the Common Seal of the Republic of Nauru, this fourth day of the month of September one thousand nine hundred and ninety-two.

(Signed) Hammer DEROBURT,
President
and Minister for External Affairs,
Republic of Nauru.

NETHERLANDS

[Translation from the French] 1 VIII 56.

I hereby declare that the Government of the Kingdom of the Netherlands recognizes, in accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice, with effect from 6 August 1956, as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, that is on condition of reciprocity, the jurisdiction of said Court in all disputes arising or which may arise after 5 August 1921, with the exception of disputes in respect of which the parties, excluding the jurisdiction of the International Court of Justice, may have agreed to have recourse to some other method of pacific settlement.

The aforesaid obligation is accepted for a period of five years and will be renewed by tacit agreement for additional periods of five years, unless notice is given, not less than six months before the expiry of any such period, that the Government of the Kingdom of the Netherlands does not wish to renew it.

The acceptance of the jurisdiction of the Court founded on the declaration of 5 August 1946[1] is terminated with effect from 6 August 1956.

New York, 1 August 1956.

(Signed) E. L. C. SCHIFF,
Acting Permanent Representative of the
Kingdom of the Netherlands to the United Nations.

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[1] United Nations, *Treaty Series*, I, No. 2, Vol. 1.

NEW ZEALAND

22 IX 77.

I have the honour, by direction of the Minister of Foreign Affairs of New Zealand, to declare on behalf of the Government of New Zealand:

(I) The acceptance by the Government of New Zealand of the compulsory jurisdiction of the International Court of Justice by virtue of the Declaration made on 1 April 1940[1] under Article 36 of the Statute of the Permanent Court of International Justice and made applicable to the International Court of Justice by paragraph 5 of Article 36 of the Statute of that Court, is hereby terminated.

(II) The Government of New Zealand accept as compulsory, *ipso facto*, and without special agreement, on condition of reciprocity, the jurisdiction of the International Court of Justice in conformity with paragraph 2 of Article 36 of the Court over all disputes other than:

(1) disputes in regard to which the parties have agreed or shall agree to have recourse to some other method of peaceful settlement;

(2) disputes in respect of which any other party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purpose of the dispute: or where the acceptance of the Court's compulsory jurisdiction on behalf of any other party to the dispute was deposited or ratified less than twelve months prior to the filing of the application bringing the dispute before the Court;

(3) disputes arising out of, or concerning, the jurisdiction or rights claimed or exercised by New Zealand in respect of the exploration, exploitation, conservation or management of the living resources in marine areas beyond and adjacent to the territorial sea of New Zealand but within 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

This Declaration shall remain in force for a period of five years from 22 September 1977 and thereafter until the expiration of six months after notice has been given of the termination of this Declaration provided that the Government of New Zealand reserves the right at any time to amend this Declaration in the light of the results of the Third United Nations Conference on the Law of the Sea in respect of the settlement of disputes.

New York, 22 September 1977.

(Signed) M. J. C. TEMPLETON,
Permanent Representative of
New Zealand to the United Nations.

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[1] *I.C.J. Yearbook 1976-1977*, pp. 69 f.

NICARAGUA

[Translation from the French] 24 IX 29.

On behalf of the Republic of Nicaragua I recognize as compulsory unconditionally the jurisdiction of the Permanent Court of International Justice.

Geneva, 24 September 1929.

(Signed) T. F. MEDINA.

Reservation[1] 24 X 2001.

Nicaragua will not accept the jurisdiction or competence of the International Court of Justice in relation to any matter or claim based on interpretations of treaties or arbitral awards that were signed and ratified or made, respectively, prior to 31 December 1901.

Managua, 23 October 2001.

(Signed) Francisco X. AGUIRRE SACASA.

NIGERIA

30 IV 98.

I have the honour, on behalf of the Government of the Federal Republic of Nigeria, to declare that the acceptance by the Government of the Federal Republic of Nigeria of the compulsory jurisdiction of the International Court of Justice by virtue of the Declaration made on

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[1] This is the text of the reservation as received by the Secretary-General of the United Nations by letter of 23 October 2001. The first paragraph of that letter read as follows:

> "I have the honour to inform you and, through you, all the States parties to the Statute of the International Court of Justice and the Secretariat of the Court, of the reservation made to Nicaragua's voluntary acceptance of the jurisdiction of the International Court of Justice by Presidential Decision No. 335-2001 of 22 October 2001, issued by the President of the Republic, Mr. Arnoldo Alemán Lacayo, the text of which is as follows: . . ."

On 9 January 2002 the Secretary-General received from the Government of Costa Rica a communication transmitting the text of a formal objection to the reservation formulated by Nicaragua.

On 23 October 2002, the Permanent Mission of Costa Rica to the United Nations notified the Secretary-General of an Agreement of 26 September 2002 between the Governments of Nicaragua and of Costa Rica by which Nicaragua *(inter alia)* "undertakes to maintain, for a period of three years from today's date, the legal status existing on today's date with respect to its declaration of acceptance of the jurisdiction of the International Court of Justice".

14 August 1965 under Article 36 of the Statute of the Court is hereby amended so as to read as set out in the following paragraph:

In conformity with paragraph 2 of Article 36 of the Statute, the Government of the Federal Republic of Nigeria accepts as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, that is to say, on condition of reciprocity, the jurisdiction of the Court over all legal disputes referred to in that paragraph of the Statute, other than:

(i) disputes in respect of which any party to the dispute has accepted the jurisdiction of the Court by a Declaration deposited less than twelve months prior to the filing of an Application bringing the dispute before the Court after the date of this amended Declaration;

(ii) disputes in respect of which any party has filed an Application in substitution for or in lieu of all or any part of any Application to which subparagraph (i) refers;

(iii) disputes relating to matters which are essentially within the domestic jurisdiction of the Federal Republic of Nigeria;

(iv) disputes in respect of which any other party to the dispute has accepted the jurisdiction of the Court in relation to or for the purposes of the dispute;

(v) disputes in regard to which the parties have agreed or agree to have recourse to any other method of peaceful settlement;

(vi) disputes relating to or connected with facts or situations of hostilities or armed conflict, whether internal or international in character;

(vii) disputes with any State with which the Government of Nigeria does not have diplomatic relations;

(viii) disputes concerning the allocation, delimitation or demarcation of territory (whether land, maritime, lacustrine or superjacent air space) unless the Government of Nigeria specially agrees to such jurisdiction and within the limits of any such special agreement;

(ix) disputes in relation to matters which arose prior to the date of Nigeria's independence, including any dispute the causes, origins or bases of which arose prior to that date.

The Government of the Federal Republic of Nigeria further reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect from the moment of such notification, to add to, amend or withdraw this Declaration or the reservations contained therein or any that may hereafter be added.

Done at Abuja, this 29th day of April 1998.

(Signed) Chief Tom IKIMI,
Hon. Minister of Foreign Affairs,
Federal Republic of Nigeria.

NORWAY[1]

25 VI 96.

I hereby declare on behalf of the Royal Norwegian Government that Norway recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, that is on condition of reciprocity, the jurisdiction of the International Court of Justice in conformity with Article 36, paragraph 2, of the Statute of the Court, for a period of five years as from 3 October 1976. This declaration shall thereafter be tacitly renewed for additional periods of five years, unless notice of termination is given not less than six months before the expiration of the current period; provided, however, that the limitations and exceptions relating to the settlement of disputes pursuant to the provisions of, and the Norwegian declarations applicable at any given time to, the United Nations Convention on the Law of the Sea of 10 December 1982 and the Agreement of 4 December 1995 for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, shall apply to all disputes concerning the law of the sea.

New York, 24 June 1996.

(*Signed*) Hans Jacob Biorn LIAN,
Permanent Representative of
Norway to the United Nations.

PAKISTAN[2]

13 IX 60.

I have the honour, by direction of the President of Pakistan, to make the following declaration on behalf of the Government of Pakistan under Article 36, paragraph 2, of the Statute of the International Court of Justice:

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[1] This is the text of the declaration as amended by letter of 24 June 1996 received by the Secretary-General of the United Nations on the following day. The first paragraph of that letter read as follows:

> "On behalf of the Government of Norway,
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> I give notice that I hereby amend the acceptance by Norway of the compulsory jurisdiction of the International Court of Justice hitherto effective by virtue of the declaration made on 2 April 1976 in conformity with paragraph 2 of Article 36 of the Statute of the Court. As amended, the declaration shall read . . ."

The declaration of 1976 replaced that of 17 December 1956 (United Nations, *Treaty Series*, I, No. 3642, Vol. 256).

[2] This declaration replaced that of 23 May 1957 (United Nations, *Treaty Series*, I, No. 3875, Vol. 269) notice of the withdrawal and termination of which was given by letter of 12 September 1960 received on the following day by the Secretary-General of the United Nations.

The Government of Pakistan recognize as compulsory *ipso facto* and without special agreement in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes after 24 June 1948, arising, concerning:

(*a*) the interpretation of a treaty;
(*b*) any question of international law;
(*c*) the existence of any fact which, if established, would constitute a breach of an international obligation;
(*d*) the nature or extent of the reparation to be made for the breach of an international obligation;

Provided, that the declaration shall not apply to:

(*a*) disputes the solution of which the parties shall entrust to other tribunals by virtue of agreements already in existence or which may be concluded in the future; or
(*b*) disputes relating to questions which by international law fall exclusively within the domestic jurisdiction of Pakistan;
(*c*) disputes arising under a multilateral treaty unless
  (i) all parties to the treaty affected by the decision are also parties to the case before the Court, or
  (ii) the Government of Pakistan specially agree to jurisdiction; and

provided further, that this Declaration shall remain in force till such time as notice may be given to terminate it.

New York, 12 September 1960.

(*Signed*) Said HASAN,
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative of Pakistan to the United Nations.

PANAMA[1]

[Translation from the French] 25 X 21.

On behalf of the Government of Panama, I recognize, in relation to any other Member or State which accepts the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the Court as compulsory, *ipso facto* and without any special convention.

Paris, 25 October 1921.

(*Signed*) R. A. AMADOR,
Chargé d'affaires.

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[1] An instrument of ratification was deposited on 14 June 1929. Ratification was not required under the terms of the Optional Clause, the act of signature itself sufficing to make the undertaking binding, except where the declaration has been made expressly subject to ratification. Nevertheless, certain States, which had signed without any such reservation, subsequently ratified their declarations.

PARAGUAY

[Translation from the Spanish] 25 IX 96.

Whereas the Republic of Paraguay signed the Charter of the United Nations on 26 June 1945 in San Francisco and ratified it on 12 October of that year,

Having seen and examined the text of the Statute of the International Court of Justice, principal judicial organ of the United Nations, whose Article 36, paragraph 2, stipulates that States parties to the Statute may declare at any time and without special agreement that they recognize as compulsory the jurisdiction of the Court,

And whereas the National Congress agreed to recognize this by means of Act No. 913 of 7 August 1996,

Therefore:

I hereby accept on behalf of the Government of Paraguay the compulsory jurisdiction of the International Court of Justice, with headquarters at The Hague, reciprocally in relation to other States accepting the same obligation in respect of all disputes as provided for in Article 36, paragraph 2, of the Statute of the Court. The present declaration shall apply only to disputes arising subsequent to the date of this declaration.

In witness whereof I hereby sign this declaration, which is sealed with the national Seal and countersigned by the Minister for Foreign Affairs, Rubén Melgarejo Lanzoni, in the city of Asunción, capital of the Republic of Paraguay, on 17 September 1996.

(*Signed*) Juan Carlos WASMOSY,
President.

(*Signed*) Rubén MELGAREJO LANZONI,
Minister for Foreign Affairs.

PERU

[Translation from the Spanish] 7 VII 2003.

In accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice, the Government of Peru recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation and on condition of reciprocity, the jurisdiction of the International Court of Justice in all legal disputes, until such time as it may give notice withdrawing this declaration.

This declaration does not apply to any dispute with regard to which the parties have agreed or shall agree to have recourse to arbitration or judicial settlement for a final and binding decision or which has been settled by some other method of peaceful settlement.

The Government of Peru reserves the right at any time by means of a notification addressed to the Secretary-General of the United Nations to amend or withdraw this declaration or reservations set out herein. Such notification shall take effect on the day on which it is received by the Secretary-General of the United Nations.

This declaration shall apply to countries that have entered reservations or set conditions with respect to it, with the same restrictions as set by such countries in their respective declarations.

Lima, 9 April 2003.

(*Signed*) Allan Wagner TIZÓN,
Minister for Foreign Affairs,
of the Republic of Peru.

PHILIPPINES[1]

18 I 72.

I, Carlos P. Romulo, Secretary of Foreign Affairs of the Republic of the Philippines, hereby declare, under Article 36, paragraph 2, of the Statute of the International Court of Justice, that the Republic of the Philippines recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes arising hereafter concerning:

(*a*) the interpretation of a treaty;
(*b*) any question of international law;
(*c*) the existence of any fact which, if established, would constitute a breach of an international obligation;
(*d*) the nature or extent of the reparation to be made for the breach of an international obligation;

Provided, that this declaration shall not apply to any dispute –

(*a*) in regard to which the parties thereto have agreed or shall agree to have recourse to some other method of peaceful settlement; or
(*b*) which the Republic of the Philippines considers to be essentially within its domestic jurisdiction; or
(*c*) in respect of which the other party has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purposes of such dispute; or where the acceptance of the compulsory jurisdiction was deposited or ratified less than 12 months prior to the filing of the application bringing the dispute before the Court, or

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[1] This declaration replaced that of 12 July 1947 (United Nations, *Treaty Series*, I, No. 101, Vol. 7).

(*d*) arising under a multilateral treaty, unless (1) all parties to the treaty are also parties to the case before the Court, or (2) the Republic of the Philippines specially agrees to jurisdiction; or

(*e*) arising out of or concerning jurisdiction or rights claimed or exercised by the Philippines

(i) in respect of the natural resources, including living organisms belonging to sedentary species, of the sea-bed and subsoil of the continental shelf of the Philippines, or its analogue in an archipelago, as described in Proclamation No. 370 dated 20 March 1968 of the President of the Republic of the Philippines; or

(ii) in respect of the territory of the Republic of the Philippines, including its territorial seas and inland waters; and

Provided, further, that this declaration shall remain in force until notice is given to the Secretary-General of the United Nations of its termination.

Done at Manila this 23rd day of December 1971.

(*Signed*) Carlos P. ROMULO,
Secretary of Foreign Affairs.

POLAND

25 III 96.

On behalf of the Government of the Republic of Poland I hereby declare that the Republic of Poland withdraws its consent to the compulsory jurisdiction of the International Court of Justice communicated on 25 September 1990[1] in light of Article 36, paragraph 2, of the Statute of the Court. At the same time, I hereby declare that the Republic of Poland shall recognize with the effect as of 25 September 1996, in accordance with the provisions of the aforementioned article, as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation and subject to the sole condition of reciprocity, the jurisdiction of the International Court of Justice in all legal disputes other than:

(*a*) disputes prior to 25 September 1990 or disputes arisen out of facts or situations prior to the same date,

(*b*) disputes with regard to the territory and State boundaries,

(*c*) disputes with regard to environmental protection,

(*d*) disputes with regard to foreign liabilities or debts,

(*e*) disputes with regard to any State which has made a declaration accepting the compulsory jurisdiction of the International Court of Justice less than twelve months prior to the filing of the application bringing the dispute before the Court,

(*f*) disputes in respect whereof the parties have agreed or shall agree to have recourse to other method of peaceful settlement.

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[1] *I.C.J. Yearbook 1994-1995*, pp. 109-110.

(g) disputes relating to matters which, by international law, fall exclusively within the domestic jurisdiction of the Republic of Poland.

The Government of the Republic of Poland reserves its right to withdraw or modify the present Declaration at any time and by means of a notification addressed to the Secretary-General of the United Nations, taking effect after six months from the moment whereof.

25 March 1996.

(*Signed*) Dariusz ROSATI,
Minister of Foreign Affairs.

PORTUGAL

19 XII 55.

Under Article 36, paragraph 2, of the Statute of the International Court of Justice, I declare on behalf of the Portuguese Government that Portugal recognizes the jurisdiction of this Court as compulsory *ipso facto* and without special agreement, as provided for in the said paragraph 2 of Article 36 and under the following conditions:

(1) the present declaration covers disputes arising out of events both prior and subsequent to the declaration of acceptance of the "optional clause" which Portugal made on 16 December 1920 as a party to the Statute of the Permanent Court of International Justice;
(2) the present declaration enters into force at the moment it is deposited with the Secretary-General of the United Nations; it shall be valid for a period of one year, and thereafter until notice of its denunciation is given to the said Secretary-General;
(3) the Portuguese Government reserves the right to exclude from the scope of the present declaration, at any time during its validity, any given category or categories of disputes, by notifying the Secretary-General of the United Nations and with effect from the moment of such notification.

Washington, D.C., 19 December 1955.

(*Signed*) L. ESTEVES FERNANDES.

SENEGAL[1]

[Translation from the French] 2 XII 85.

I have the honour, on behalf of the Government of the Republic of Senegal, to declare that, in conformity with Article 36, paragraph 2, of the Statute of the International Court of Justice, it accepts on condition of reciprocity as compulsory *ipso facto* and without special convention, in relation to any other State accepting the same obligation, the jurisdiction of the Court over all legal disputes arising after the present declaration, concerning:

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[1] This declaration replaced that of 3 May 1985 (*I.C.J. Yearbook 1984-1985*, p. 93).

- the interpretation of a treaty;
- any question of international law;
- the existence of any fact which, if established, would constitute a breach of an international obligation;
- the nature or extent of the reparation to be made for the breach of international obligation.

This declaration is made on condition of reciprocity on the part of all States. However, Senegal may reject the Court's competence in respect of:

- disputes in regard to which the parties have agreed to have recourse to some other method of settlement;
- disputes with regard to questions which, under international law, fall exclusively within the jurisdiction of Senegal.

Lastly, the Government of the Republic of Senegal reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, to add to, amend or withdraw the foregoing reservations.

Such notification would take effect on the date of its receipt by the Secretary-General.

Dakar, 22 October 1985.

(*Signed*) Ibrahima FALL,
Minister of Foreign Affairs
of the Republic of Senegal.

SERBIA AND MONTENEGRO[1]

26 IV 99.

I hereby declare that the Government of the Federal Republic of Yugoslavia recognizes, in accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice, as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, that is on condition of reciprocity, the jurisdiction of the said Court in all disputes arising or which may arise after the signature of the present Declaration, with regard to the situations or facts subsequent to this signature, except in cases where the parties have agreed or shall agree to have recourse to another procedure or to another method of pacific settlement. The present Declaration does not apply to disputes relating to questions which, under international law, fall exclusively within the jurisdiction of the Federal Republic of Yugoslavia, as well as to territorial disputes.

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[1] See footnote 1, p. 110, above.

The aforesaid obligation is accepted until such time as notice may be given to terminate the acceptance.

New York, 25 April 1999.

(Signed) Vladislav JOVANOVIC,
Chargé d'affaires a.i. of
the Permanent Mission of Yugoslavia
to the United Nations.

SOMALIA

11 IV 63.

I have the honour to declare on behalf of the Government of the Somali Republic that the Somali Republic accepts as compulsory *ipso facto*, and without special agreement, on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate the acceptance, over all legal disputes arising other than disputes in respect of which any other party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purposes of the dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other party to the dispute was deposited or ratified less than 12 months prior to the filing of the application bringing the dispute before the Court.

The Somali Republic also reserves the right at any time by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification, either to add to, amend or withdraw any of the foregoing reservations, or any that may hereafter be added.

Mogadishu, 25 March 1963.

(Signed) Abdullahi ISSA,
Minister for Foreign Affairs.

SPAIN

[Translation from the Spanish] 29 X 90.

1. On behalf of the Spanish Government, I have the honour to declare that the Kingdom of Spain accepts as compulsory *ipso facto* and without special agreement, the jurisdiction of the International Court of Justice, in conformity with Article 36, paragraph 2, of the Statute of the Court, in relation to any other State accepting the same obligation, on condition of reciprocity, in legal disputes not included among the following situations and exceptions:

(*a*) disputes in regard to which the Kingdom of Spain and the other party or parties have agreed or shall agree to have recourse to some other method of peaceful settlement of the dispute;
(*b*) disputes in regard to which the other party or parties have accepted the compulsory jurisdiction of the Court only in relation to or for the purposes of the dispute in question;
(*c*) disputes in regard to which the other party or parties have accepted the compulsory jurisdiction of the Court less than 12 months prior to the filing of the application bringing the dispute before the Court;
(*d*) disputes arising prior to the date on which this Declaration was deposited with the Secretary-General of the United Nations or relating to events or situations which occurred prior to that date, even if such events or situations may continue to occur or to have effects thereafter.

2. The Kingdom of Spain may at any time, by means of a notification addressed to the Secretary-General of the United Nations, add to, amend or withdraw, in whole or in part, the foregoing reservations or any that may hereafter be added. These amendments shall become effective on the date of their receipt by the Secretary-General of the United Nations.

3. The present Declaration, which is deposited with the Secretary-General of the United Nations in conformity with Article 36, paragraph 4, of the Statute of the International Court of Justice, shall remain in force until such time as it has been withdrawn by the Spanish Government or superseded by another declaration by the latter.

The withdrawal of the Declaration shall become effective after a period of six months has elapsed from the date of receipt by the Secretary-General of the United Nations of the relevant notification by the Spanish Government. However, in respect of States which have established a period of less than six months between notification of the withdrawal of their Declaration and its becoming effective, the withdrawal of the Spanish Declaration shall become effective after such shorter period has elapsed.

Madrid, 15 October 1990.

(*Signed*) Francisco FERNÁNDEZ ORDÓÑEZ,
Minister for Foreign Affairs.

SUDAN

2 I 58.

I have the honour by direction of the Ministry of Foreign Affairs to declare, on behalf of the Government of the Republic of the Sudan, that in pursuance of paragraph 2 of Article 36 of the Statute of the International Court of Justice, the Government of the Republic of the Sudan recognize as compulsory *ipso facto* and without special agreement, on condition of reciprocity, until such time as notice may be given to terminate this declaration, the jurisdiction of the International Court of Justice in all legal disputes arising after the first day of January 1956 with regard to situations or facts subsequent to that date concerning:

(*a*) the interpretation of a treaty concluded or ratified by the Republic of the Sudan on or after the first day of January 1956;
(*b*) any question of international law;
(*c*) the existence of any fact, which, if established, would constitute a breach of an international obligation; or
(*d*) the nature or extent of the reparation to be made for the breach of an international obligation;

but excluding the following:

(i) disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;
(ii) disputes in regard to matters which are essentially within the domestic jurisdiction of the Republic of the Sudan as determined by the Government of the Republic of the Sudan;
(iii) disputes arising out of events occurring during any period in which the Republic of the Sudan is engaged in hostilities as a belligerent.

New York, 30 December 1957.

(*Signed*) Yacoub OSMAN,
Permanent Representative of the Sudan
to the United Nations.

SURINAME

31 VIII 87.

I have the honour by direction of the Minister of Foreign Affairs of the Republic of Suriname, to declare on behalf of the Government of Suriname:

The Government of the Republic of Suriname recognizes, in accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice, with effect from the seventh September 1987, as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, that is on condition of reciprocity, the jurisdiction of the said Court in all disputes, which have arisen prior to this Declaration or may arise after this Declaration, with the exception of:

(A) disputes which have arisen or may arise with respect to or in relation with the borders of the Republic of Suriname;
(B) disputes in respect of which the parties, excluding the jurisdiction of the International Court of Justice, have agreed to settlement by

means of arbitration, mediation or other methods of conciliation and accommodation.

This Declaration shall be binding for a period of five years and shall continue in force after that period until twelve months after the Government of the Republic of Suriname has given notice of its termination. .

New York, 31 August 1987.

(*Signed*) W. H. Werner VREEDZAAM,
Chargé d'affaires of the Permanent Mission
of the Republic of Suriname
to the United Nations.

SWAZILAND

26 V 69.

I, Prince Makhosini Jameson Dlamini, Prime Minister of the Kingdom of Swaziland to whom His Majesty has delegated responsibility for the conduct of foreign affairs, have the honour to declare on behalf of the Government of the Kingdom of Swaziland, that it recognizes as compulsory *ipso facto* and without special agreement, on condition of reciprocity, the jurisdiction of the International Court of Justice, in accordance with paragraph 2 of Article 36 of the Statute of the Court.

This Declaration does not extend:

(*a*) to disputes in respect of which the parties have agreed or shall agree to have recourse to another means of peaceful settlement; or

(*b*) to disputes relating to matters which, by international law, are essentially within the domestic jurisdiction of the Kingdom of Swaziland.

The Government of the Kingdom of Swaziland also reserves the right to add to, amend or withdraw this Declaration by means of a notification addressed to the Secretary-General of the United Nations, with effect as from the moment of such notification.

Mbabane, 9 May 1969.

(*Signed*) Makhosini Jameson DLAMINI,
Prime Minister and Minister
for Foreign Affairs.

SWEDEN[1]

[Translation from the French] 6 IV 57.

On behalf of the Royal Swedish Government, I declare that it accepts as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice, in accordance with Article 36, paragraph 2, of the Statute of the said Court, for a period of five years as from 6 April 1957. This obligation shall be renewed by tacit agreement for further periods of the same duration unless notice of abrogation is made at least six months before the expiration of any such period. The above-mentioned obligation is accepted only in respect of disputes which may arise with regard to situations or facts subsequent to 6 April 1947.

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[1] This declaration replaced that of 5 April 1947, which had been made for a period of ten years (United Nations, *Treaty Series*, I, No. 16, Vol. 2).

New York, 6 April 1957.

(Signed) Claes CARBONNIER,
Permanent Representative *a.i.*
of Sweden to the United Nations.

SWITZERLAND

[Translation from the French] 28 VII 48.

The Swiss Federal Council, duly authorized for that purpose by a Federal decree which was adopted on 12 March 1948 by the Federal Assembly of the Swiss Confederation and became operative on 17 June 1948,

Hereby declares that the Swiss Confederation recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes concerning:

(a) the interpretation of a treaty;
(b) any question of international law;
(c) the existence of any fact which, if established, would constitute a breach of an international obligation;
(d) the nature or extent of the reparation to be made for the breach of an international obligation.

This declaration, which is made under Article 36 of the Statute of the International Court of Justice, shall take effect from the date on which the Swiss Confederation becomes a party to that Statute[1] and shall have effect as long as it has not been abrogated subject to one year's notice.

Done at Berne, 6 July 1948.

On behalf of the Swiss Federal Council:

(Signed) CELIO,
The President of the Confederation.

(Signed) LEIMGRUBER,
The Chancellor of the Confederation.

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[1] Switzerland became a party to the Statute of the Court on 28 July 1948.

TOGO

[Translation from the French] 25 X 79.

The Togolese Republic,

Represented by His Excellency Mr. Akanyi-Awunyo Kodjovi, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Togo to the United Nations,

Acting pursuant to the provisions of Article 36, paragraphs 2 and 3, of the Statute of the International Court of Justice, annexed to the Charter of the United Nations,

Guided by its constant concern to ensure the peaceful and equitable settlement of all international disputes, particularly those in which it might be involved, and desiring to contribute to the strengthening of the international legal order based on the principles set forth in the Charter of the United Nations,

Declares that it recognizes as compulsory *ipso facto* and without special agreement in relation to any other State accepting the same obligation, that is, subject to reciprocity, the jurisdiction of the International Court of Justice in all disputes concerning:

(*a*) the interpretation of a treaty;
(*b*) any question of international law;
(*c*) the existence of any fact which, if established, would constitute a breach of an international obligation;
(*d*) the nature or extent of the reparation to be made for the breach of an international obligation.

The present declaration has been made for an unlimited period subject to the power of denunciation and modification attached to any obligation assumed by a sovereign State in its international relations. It will enter into force on the day on which it is received by the United Nations Secretariat.

New York, 24 October 1979.

(*Signed*) Akanyi-Awunyo KODJOVI.

UGANDA

3 X 63.

I hereby declare on behalf of the Government of Uganda that Uganda recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, and on condition of reciprocity, the jurisdiction of the International Court of Justice in conformity with paragraph 2 of Article 36 of the Statute of the Court.

New York, 3 October 1963.

(*Signed*) Apollo K. KIRONDE,

Ambassador and Permanent Representative
of Uganda to the United Nations.

United Kingdom of Great Britain and Northern Ireland[1]

1 I 69.

I have the honour, by direction of Her Majesty's Principal Secretary of State for Foreign and Commonwealth Affairs, to declare on behalf of the Government of the United Kingdom of Great Britain and Northern Ireland that they accept as compulsory *ipso facto* and without special convention, on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate the acceptance, over all disputes arising after 24 October 1945, with regard to situations or facts subsequent to the same date, other than:

(i) any dispute which the United Kingdom

  (a) has agreed with the other Party or Parties thereto to settle by some other method of peaceful settlement; or

  (b) has already submitted to arbitration by agreement with any State which had not at the time of submission accepted the compulsory jurisdiction of the International Court of Justice;

(ii) disputes with the government of any other country which is a Member of the Commonwealth with regard to situations or facts existing before 1 January 1969;

(iii) disputes in respect of which any other Party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purpose of the dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other Party to the dispute was deposited or ratified less than twelve months prior to the filing of the application bringing the dispute before the Court.

2. The Government of the United Kingdom also reserve the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification, either to add to, amend or withdraw any of the foregoing reservations, or any that may hereafter be added.

New York, 1 January 1969.

(Signed) L. C. Glass.

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[1] This declaration replaced that of 27 November 1963 (United Nations, *Treaty Series*, I, No. 6995, Vol. 482), notice of the withdrawal and termination of which was given by letter of 1 January 1969, received by the Secretary-General of the United Nations on that date.

URUGUAY[1]

[Translation from the French] *Prior to* 28 I 21[2].

On behalf of the Government of Uruguay, I recognize, in relation to any Member or State accepting the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the Court as compulsory, *ipso facto* and without special convention.

(Signed) B. FERNANDEZ Y MEDINA.

III. CHRONOLOGICAL LIST OF OTHER INSTRUMENTS GOVERNING THE JURISDICTION OF THE COURT

Below is a chronological list of treaties and other instruments *notified to the Registry* following registration, classification or recording at the Secretariat of the United Nations which (in addition to certain texts referred to in Section I of the present chapter, the declarations reproduced in Section II and the special agreements whereby particular cases were submitted to the Court) contain clauses relating to the jurisdiction of the Court in contentious proceedings. A number of these clauses generally provide that disputes concerning the application or interpretation of the instrument may be referred to the Court for decision; others however refer only in general terms to submission of any dispute to the Court. For each instrument, the table mentions the date and place of signature, the title of the instrument, the relevant clause and the contracting parties, and also, as far as available, the number under which it has been registered or filed and recorded by the Secretariat and the volume in the United Nations *Treaty Series* in which it has been or will be published.

Where instruments prior to 1946 are mentioned they are instruments relating to the jurisdiction of the *Permanent Court of International Justice* which have been filed and recorded by the Secretariat of the United Nations and appear in the *Treaty Series* of the United Nations.

The fact that a treaty is or is not included in this section is without prejudice to its possible application by the Court in a particular case.

Any instrument not mentioned in previous *I.C.J. Yearbooks* is indicated by an asterisk.

1933	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
12 May	Ottawa	Convention concerning the rights of nationals and commercial and shipping matters (Art. 20)	Canada France	II:545 Vol. 253

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[1] An instrument of ratification was deposited on 27 September 1921. Cf. the footnote to Panama, p. 159, above.

[2] The date on which this declaration (undated) was first published in a League of Nations document.

1939	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
17 Dec.	Bogotá	Treaty of non-aggression, conciliation and judicial settlement (Art. XXIV)	Colombia/ Venezuela	II:896 Vol. 1257
1940				
30 Mar.	Caracas	Treaty for the pacific settlement of disputes	Brazil/Venezuela	II:195 Vol. 51
1944				
7 Dec.	Chicago	International air services transit agreement (Art. II, Sec. 2)	Multilateral	II:252 Vol. 84
7 Dec.	Chicago	International air transport agreement (Art. IV, Sec. 3)	Multilateral	II:502 Vol. 171
1946				
17 Apr.	Luxembourg	Convention concerning the Luxembourg railways (Art. 12)	Luxembourg/ Belgium/France	I:402 Vol. 27
4 Nov.	Nanking	Treaty of friendship, commerce and navigation (Art. XXVIII)	China[1]/ United States	I:359 Vol. 25
11 Dec.[2]	Lake Success	International convention relating to dangerous drugs, signed at Geneva, 19 Feb. 1925, as amended (Art. 32)	Multilateral	I:186 Vol. 12
11 Dec.[2]	Lake Success	International convention for limiting the manufacture and regulating the distribution of narcotic drugs, signed at Geneva on 13 July 1931, as amended (Art. 25)	Multilateral	I:186 Vol. 12
11 Dec.[2]	Lake Success	International convention for the suppression of illicit traffic in dangerous drugs, signed at Geneva on 26 June 1936, as amended (Art. 17)	Multilateral	I:186 Vol. 12
1947				
18 Apr.	Manila	Treaty of amity (Art. 2)	China[1]/Philippines	I:175 Vol. 11
9 July	Rome	Treaty of friendship and general relations (Art. V)	Italy/Philippines	I:674 Vol. 44
17 Oct.	London	Treaty regarding recognition of Burmese independence (Art. 14)	United Kingdom/ Burma	I:904 Vol. 70

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[1] All entries recorded throughout this Section in respect of China refer to actions taken by the authorities representing China in the United Nations at the time of those actions, and are to be understood in the light of General Assembly resolution 2758 (XXVI) of 25 October 1971.

[2] The date and place given here are those of the signature of the amending protocol.

1947 (cont.)	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
12 Nov.[1]	Lake Success	Convention (concluded at Geneva on 12 Sep. 1923) for the suppression of the circulation of and traffic in obscene publications, as amended (Art. 15)	Multilateral	I: 710 Vol. 46
12 Nov.[1]	Lake Success	Convention (concluded at Geneva on 11 Oct. 1933) for the suppression of traffic in women of full age, as amended (Art. 4)	Multilateral	I: 772 Vol. 53
1948				
24 Jan.	Paris	Agreement concerning monetary and financial relations (Art. 23)	France/Lebanon	I: 2263 Vol. 173
2 Feb.	Rome	Treaty of friendship, commerce and navigation (Art. XXVI)	United States/Italy	I: 1040 Vol. 79
30 Apr.	Bogotá	American treaty on pacific settlement	Multilateral	I: 449 Vol. 30
21 May	New Delhi	Agreement relating to air services (Art. XI)	India/Sweden	I: 543 Vol. 34
23 June	Karachi	Agreement relating to air services (Art. XI)	Pakistan/India	I: 423 Vol. 28
28 June	Rome	Economic co-operation agreement (Art. X)	United States/Italy	I: 314 Vol. 20
28 June	Paris	Economic co-operation agreement (Art. X)	United States/ France	I: 302 Vol. 19
29 June	Copenhagen	Economic co-operation agreement (Art. X)	United States/ Denmark	I: 338 Vol. 22
2 July	Vienna	Economic co-operation agreement (Art. IX)	United States/ Austria	I: 323 Vol. 21
2 July	The Hague	Economic co-operation agreement (Art. X)	United States/ Netherlands	I: 315 Vol. 20
2 July	Athens	Economic co-operation agreement (Art. X)	United States/ Greece	I: 342 Vol. 23
2 July	Brussels	Economic co-operation agreement (Art. X)	United States/ Belgium	I: 309 Vol. 19
3 July	Oslo	Economic co-operation agreement (Art. X)	United States/ Norway	I: 317 Vol. 20
3 July	Reykjavik	Economic co-operation agreement (Art. X)	United States/ Iceland	I: 316 Vol. 20
3 July	Nanking	Economic co-operation agreement (Art. XI)	United States/ China[2]	I: 273 Vols. 17 and 45
3 July	Luxembourg	Economic co-operation agreement (Art. X)	United States/ Luxembourg	I: 350 Vol. 24

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[1] The date and place given here are those of the signature of the amending protocol.

[2] See footnote 1, p. 173, above.

1948 *(cont.)*	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
3 July	Stockholm	Economic co-operation agreement (Art. IX)	United States/ Sweden	I: 343 Vol. 23
4 July	Ankara	Economic co-operation agreement (Art. IX)	United States/ Turkey	I: 351 Vol. 24
6 July	London	Economic co-operation agreement (Art. X)	United States/ United Kingdom	I: 339 Vol. 22
28 Sep.	Lisbon	Economic co-operation agreement, as amended (Art. X)	United States/ Portugal	I: 442 Vol. 29
6 Oct.	Beirut	Treaty concerning consular arrangements, navigation, civil and commercial rights and establishment (Art. 33)	Greece/Lebanon	I: 1179 Vol. 87
15/29 Nov.	Washington	*cf.* 1961, 23 Nov.		
9 Dec.	Paris (opened for signature)	Convention on the prevention and punishment of the crime of genocide (Art. IX)	Multilateral	I: 1021 Vol. 78
1949				
3 Jan.	Karachi	Agreement relating to air services (Art. XI)	Pakistan/Ceylon	I: 428 Vol. 28
28 Apr.	Lake Success (opened for accession)	Revised general act for the pacific settlement of international disputes	Multilateral	I: 912 Vol. 71
14 June	Washington	Treaty of friendship (Art. II)	Thailand/ Philippines	I: 1062 Vol. 81
4 July	Berne	Convention concerning the construction and use of the Bâle-Mulhouse airport at Blotzheim (Art. 20)	France/Switzerland	I: 22048 Vol. 1323
15 July	Lake Success (opened for signature)	Agreement for facilitating the international circulation of visual and auditory materials of an educational, scientific and cultural character (Art. IX)	Multilateral	I: 2631 Vol. 197
30 Aug.	Ottawa	Agreement relating to air services (Art. 9)	Canada/Belgium	I: 782 Vol. 53
10 Sep.	Guatemala City	Treaty of peace, friendship and co-operation (Art. 7)	Guatemala/Italy	I: 1410 Vol. 102
19 Sep.	Geneva	Convention on road traffic (Art. 33)	Multilateral	I: 1671 Vol. 125
20 Sep.	Beirut	Air transport agreement (Art. IX)	Netherlands/ Lebanon	I: 1474 Vol. 108
20 Oct.	New Delhi	Agreement relating to air services (Art. XI)	India/Philippines	I: 934 Vol. 72
31 Oct.	Tehran	Agreement relating to air services (Art. 12)	Netherlands/Iran	I: 3596 Vol. 254
1950				
12 Jan.	Canberra	Agreement relating to air services (Art. XII)	Australia/Ceylon	I: 789 Vol. 53

1950 (cont.)	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
21 Jan.	Dublin	Treaty of friendship, commerce and navigation (Art. XXIII)	United States/Ireland	I:2792 Vol. 206
27 Jan.	Mexico City	Commercial agreement (Art. VII)	Netherlands/Mexico	I:1661 Vol. 123
18 Feb.	Tehran	Treaty of friendship (Art. IV)	Iran/Pakistan	I:2119 Vol. 161
21 Mar.	Lake Success (opened for signature)	Convention for suppression of traffic in persons and of exploitation of prostitution of others (Art. 22)	Multilateral	I:342 Vol. 96
24 Mar.	Rome	Treaty of friendship, conciliation and judicial settlement (Arts. 18-24)	Turkey/Italy	I:1338 Vol 96
6 Aug.	Cairo	Agreement relating to air transport services (Art. XVI)	Egypt/France	I:1710 Vol. 127
16 Aug.	Wellington	Agreement relating to air services (Art. X)	New Zealand/Canada	I:1002 Vol. 77
28 Aug.	Manila	Treaty of friendship, consular services and establishment (Art. II)	Greece/Philippines	I:3097 Vol. 225
16 Sep.	Brussels	Commercial agreement (Art. 7)	Belgo-Luxembourg Economic Union/Mexico	I:2523 Vol. 188
15 Dec.	London	Trade agreement (Art. 8)	United Kingdom/Norway	I:1459 Vol. 106
1951				
2 Feb.	Paris	Treaty of cession of the territory of the Free Town of Chandernagore (Art. XI)	India/France	I:2744 Vol. 203
22 Feb.	Oslo	Consular convention (Art. 34)	United Kingdom/Norway	I:4713 Vol. 326
8 May	London	Agreement for air services (Art. 10)	Belgium/United Kingdom	I:2079 Vol. 158
24 May	New Delhi	Agreement relating to air services (Art. XI)	India/Netherlands	I:1471 Vol. 108
18 June	Tehran	Agreement relating to air services (Art. 12)	Denmark/Iran	I:3602 Vol. 255
28 July	Geneva (opened for signature)	Convention relating to the status of refugees (Art. 38)	Multilateral	I:2545 Vol. 189
3 Aug.	Athens	Treaty of friendship, commerce and navigation (Art. XXVI)	Greece/United States	I:3080 Vol. 224
23 Aug.	Washington	Treaty of friendship, commerce and navigation (Art. XXIV)	Israel/United States	I:2979 Vol. 219
7 Sep.	Addis Ababa	Treaty of amity and economic relations (Art. XVII)	United States/Ethiopia	I:2785 Vol. 206

1951 *(cont.)*	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
8 Sep.	San Francisco	Treaty of peace with Japan (Art. 22)	Multilateral	I:1832 Vol. 136
25 Sep.	Canberra	Agreement relating to air services (Art. VIII)	Netherlands/ Australia	I:1713 Vol. 128
1 Oct.	Copenhagen	Treaty of friendship, commerce and navigation (Art. XXIV)	United States/ Denmark	I:6056 Vol. 421
31 Dec.	Paris	Consular convention (Art. 49)	France/ United Kingdom	I:4744 Vol. 330
1952				
14 Mar.	Stockholm	Consular convention (Art. 34)	Sweden/ United Kingdom	I:2731 Vol. 202
9 May	Tel Aviv	Agreement for economic assistance (Art. VIII)	United States/Israel	I:226 Vol. 177
14 June	Cairo	Agreement relating to air services (Art. XIV)	Australia/Egypt	I:2269 Vol. 173
11 July	Manila	Treaty of friendship (Art. II)	India/Philippines	I:2741 Vol. 203
17 July	Karachi	Agreement relating to air services (Art. XI)	Pakistan/ Netherlands	I:1980 Vol. 150
29 Aug.	Cairo	Agreement relating to air services (Art. XI)	Ethiopia/Pakistan	I:1979 Vol. 150
6 Sep.	Geneva	Universal copyright convention (Art. XV)	Multilateral	I:2937 Vol. 216
1953				
9 Jan.		Treaty of permanent friendship (Art. VI)	Costa Rica/Spain	
31 Mar.	New York (opened for signature)	Convention on the political rights of women (Art. IX)	Multilateral	I:2613 Vol. 193
31 Mar.	New York (opened for signature)	Convention on the international right of correction (Art. V)	Multilateral	I:6280 Vol. 435
2 Apr.	Tokyo	Treaty of friendship, commerce and navigation (Art. XXIV)	United States/Japan	I:2788 Vol. 206
17 Apr.	Athens	Consular convention (Art. 35)	Greece/ United Kingdom	I:2582 Vol. 191
27 Apr.	Bangkok	Agreement relating to air services (Art. 10)	Thailand/ Philippines	I:2274 Vol. 174
23 June	New York (opened for signature)	Protocol for limiting and regulating cultivation of poppy plant, production of, international and wholesale trade in, and use of opium (Art. 15)	Multilateral	I:6555 Vol. 456
1 July	Paris (opened for signature)	Convention for the establishment of a European Organization for Nuclear Research (Art. XI)	Multilateral	I:2701 Vol. 200

1953 *(cont.)*	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
14 Sep.	Colombo	Agreement for air services (Art. 11)	Netherlands/Ceylon	I:2608 Vol. 193
24 Sep.	Helsinki	Agreement concerning a supplement to the convention of 30 January 1926 for the pacific settlement of disputes	Finland/Denmark	I:2532 Vol. 188
26 Sep.	Madrid	Economic aids agreement (Art. IX)	Spain/United States	I:2802 Vol. 207
19 Oct.	Venice	Constitution of the Intergovernmental Committee for European Migration (Art. 30)	Multilateral	I:2807 Vol. 207
7 Dec.[1]	New York	Slavery convention signed at Geneva on 25 Sep. 1926, as amended (Art. 8)	Multilateral	I:2861 Vol. 212
24 Dec.	Beirut	Agreement for air services (Art. 10)	Belgium/Lebanon	I:2972 Vol. 219
1954				
16 Feb.	Paris	Convention on conditions of residence and navigation (Art. 13)	Sweden/France	I:3147 Vol. 228
3 Mar.	Bangkok	Treaty of friendship (Art. VI)	Thailand/Indonesia	I:2893 Vol. 213
20 Mar.	Mexico City	Consular convention (Art. 36)	United Kingdom/ Mexico	I:4750 Vol. 331
17 Apr.	Beirut	Agreement relating to air services (Art. XIII)	Yugoslavia/ Lebanon	I:8713 Vol. 602
12 May	London (opened for signature)	International convention for the prevention of pollution of the sea by oil (Art. XIII)	Multilateral	I:4714 Vol. 327
1 June	Rome	Consular convention (Art. 37)	United Kingdom/ Italy	I:5798 Vol. 403
28 Sep.	New York	Convention relating to the status of stateless persons (Art. 34)	Multilateral	I:5158 Vol. 360
13 Oct.	Paris (opened for signature)	International convention on the standardization of methods of analysing and appreciating wines (Art. 6)	Multilateral	I:10416 Vol. 724
23 Oct.[2]	Paris	Treaty for collaboration in economic, social and cultural matters and for collective self-defence, signed at Brussels on 17 March 1948, as amended (Art. X)	Belgium, France, Luxembourg, Netherlands, United Kingdom, Fed. Rep. of Germany, Italy	I:304 Vols. 19 and 211

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[1] The date and the place given here are those at which the amending protocol was opened for signature.

[2] The date and the place given here are those of the signature of the protocol modifying and completing the Treaty, by which Article VIII of the Treaty became Article X.

1954 *(cont.)*	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
29 Oct.	Washington	Treaty of friendship, commerce and navigation (Art. XXVII)	United States/Fed. Rep. of Germany	I:3943 Vol. 273
5 Nov.	Rangoon	Treaty of peace (Art. IX)	Burma/Japan	I:3542 Vol. 251
24 Nov.	Rio de Janeiro	Agreement concerning conciliation and judicial settlement (Arts. 16-22)	Italy/Brazil	I:4146 Vol. 284
1 Dec.[1]	Paris	Agreement concerning the International Institute of Refrigeration, replacing the convention of 21 June 1920 (Art. XXXIII)	Multilateral	I:11837 Vol. 826
14 Dec.	Quito	Air transport agreement (Art. VIII)	Netherlands/Ecuador	I:3233 Vol. 232
1955				
31 Jan.	Manila	Agreement for air services (Art. 11)	Philippines/United Kingdom	I:2932 Vol. 216
5 Mar.	Paris	Consular convention (Art. 44)	Sweden/France	I:6150 Vol. 427
10 Aug.	Tripoli	Treaty of friendship and good neighbourliness (Art. 8)	France/Libya	
15 Aug.	Tehran	Treaty of amity, economic relations and consular rights (Art. XXI)	United States/Iran	I:4132 Vol. 284
17 Sep.	Lugano	Convention concerning the regulation of Lake Lugano (Art. XI)	Italy/Switzerland	I:4257 Vol. 291
20 Oct.	Berne	Additional protocol to the convention concerning the constitution of "Eurofima" (Art. 14)	Multilateral	I:5425 Vol. 378
21 Oct.	Beirut	Air transport agreement (Art. 11)	Denmark/Lebanon	I:3482 Vol. 248
13 Dec.	Paris	European convention on establishment (Art. 31)	Multilateral	I:7660 Vol. 529
1956				
27 Mar.	The Hague	Treaty of friendship, commerce and navigation (Art. XXV)	Netherlands/United States	I:4154 Vol. 285
30 Apr.	Paris	Agreement on commercial rights of non-scheduled air services in Europe (Art. 4)	Multilateral	I:4494 Vol. 310
19 May	Geneva (opened for signature)	Convention on the contract for the international carriage of goods by road (Art. 47)	Multilateral	I:5742 Vol. 399
20 June	New York (opened for signature)	Convention on the recovery abroad of maintenance (Art. 16)	Multilateral	I:3850 Vol. 268

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[1] The date and place given here are those of the signature of the revised Convention.

1956 *(cont.)*	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
30 July	Bonn	Consular convention (Art. 41)	United Kingdom/Fed. Rep. of Germany	I:4748 Vol. 330
30 Aug.	Manila	Treaty of friendship (Art. 2)	Philippines/Switzerland	I:4284 Vol. 293
7 Sep.	Geneva	Supplementary convention on the abolition of slavery, the slave trade, and institutions and practices similar to slavery (Art. 10)	Multilateral	I:3822 Vol. 266
28 Nov.	Seoul	Treaty of friendship, commerce and navigation (Art. XXIV)	United States/Rep. of Korea	I:4367 Vol. 302
11 Dec.	Athens	Convention on judicial settlement	Greece/Sweden	I:4316 Vol. 299
1957				
20 Feb.	New York (opened for signature)	Convention on the nationality of married women (Art. 10)	Multilateral	I:4468 Vol. 309
28 Feb.	Tokyo	Treaty of commerce and navigation (Art. XVIII, para. 2)	Norway/Japan	I:4054 Vol. 280
24 Apr.	Cairo	Declaration on the Suez Canal and the arrangements for its operation (para. 9)	Egypt[1]	I:3821 Vol. 265
29 Apr.	Strasbourg (opened for signature)	European convention of the peaceful settlement of disputes	Multilateral	I:4646 Vol. 230
23 June	Kabul	Agreement relating to air services (Art. XI)	Pakistan/Afghanistan	I:4717 Vol. 327
23 Nov.	The Hague	Agreement relating to refugee seamen (Art. 14)	Multilateral	I:7384 Vol. 506
1958				
20 Jan.	Djakarta	Treaty of peace (Art. 6)	Japan/Indonesia	I:4688 Vol. 324
3 Feb.	The Hague	Treaty instituting the Benelux Economic Union (Art. 50)	Belgium, Luxembourg, Netherlands	I:5471 Vol. 381
5 Mar.	Stockholm	Agreement relating to air services (Art. XI)	Norway/Pakistan	I:4769 Vol. 334
6 Mar.	Stockholm	Agreement relating to air services (Art. XI)	Sweden/Pakistan	I:5656 Vol. 393
10 Apr.	Copenhagen	Agreement relating to air services (Art. XI)	Denmark/Pakistan	I:4353 Vol. 302
14 Apr.	Tehran	Agreement concerning air transport (Art. 13)	Belgium/Iran	I:5473 Vol. 381

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[1] See Sec. II, p. 137, above.

1958 (cont.)	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
29 Apr.	Geneva (opened for signature)	Optional protocol of signature concerning the compulsory settlement of disputes[1]	Multilateral	I:6466 Vol. 450
7 June	Karachi	Agreement relating to air services (Art. XI)	Pakistan/Portugal	I:4645 Vol. 320
4 July	Karachi	Agreement relating to air services (Art. XI)	Belgium/Pakistan	I:5569 Vol. 387
21 July	Vienna	Agreement relating to air services (Art. XI)	Austria/Afghanistan	I:9236 Vol. 645
28 Nov.	Monrovia	Agreement for the establishment and operation of air services (Art. 9)	Liberia/Netherlands	I:5651 Vol. 393
1959				
30 Jan.	Tegucigalpa	Agreement on commerce (Art. XII)	Belgium, Luxembourg, Netherlands/Honduras	I:9234 Vol. 645
16 July	Rome	Agreement relating to air services (Art. XI)	India/Italy	I:6714 Vol. 464
12 Nov.	Washington	Treaty of friendship and commerce (Art. XXIII)	United States/Pakistan	I:5816 Vol. 404
19 Nov.	Rome	Convention placing the International Poplar Commission within the framework of FAO (Art. XV)	Multilateral	I:5902 Vol. 410
25 Nov.	Paris	Convention of establishment (Art. XVI)	United States/France	I:5764 Vol. 401
25 Nov.	Bonn	Treaty for the promotion and protection of investments (Art. 11)	Pakistan/Fed. Rep. of Germany	I:6575 Vol. 457
1 Dec.	Washington	Antarctic treaty (Art. XI)	Multilateral	I:5778 Vol. 402
9 Dec.	Monrovia	Agreement relating to air services (Art. VIII)	Sweden/Liberia	I:6716 Vol. 464
1960				
13 Feb.[2]	Beirut	Agreement for air transport of 24 Jan. 1949, as amended (Art. 9)	Italy/Lebanon	I:3223 Vol. 497
9 Mar.	Conakry	Air transport agreement (Art. 9)	Netherlands/Guinea	I:5646 Vol. 392
15 Mar.	Geneva	Convention relating to the unification of certain rules concerning collisions in inland navigation (Art. 14)	Multilateral	I:8310 Vol. 572
24 Mar.	Berne	Agreement concerning air services (Art. 9)	Belgium/Switzerland	I:5996 Vol. 416

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[1] This Protocol relates to disputes concerning the Geneva Conventions on the Law of the Sea of 29 April 1958.

[2] The date given here is the date of signature of the amending protocol.

1960 *(cont.)*	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
8 Apr.	The Hague	Treaty concerning arrangements for co-operation in the Ems estuary (Art. 46)	Netherlands/Fed. Rep. of Germany	I: 7404 Vol. 509
8 Apr.	The Hague	Agreement to accept the compulsory jurisdiction of the International Court of Justice in disputes concerning the interpretation or application of the revised convention on Rhine navigation, 1868	Netherlands/Fed. Rep. of Germany	I: 7404 Vol. 509
24 June	Vienna	Consular convention (Art. 45)	United Kingdom/Austria	I: 7327 Vol. 502
19 Oct.	Amman	Agreement relating to air services (Art. 9)	Belgium/Jordan	I: 6959 Vol. 479
*9 Dec.	Tokyo	Treaty of amity, commerce and navigation (Art. XIII, para. 2)	Japan Philippines	I: 4703 Vol. 1001
14 Dec.	Paris	Convention against discrimination in education (Art. 8)	Multilateral	I: 6193 Vol. 429
14 Dec.[1]	New Delhi	Agreement of 11 July 1949 relating to air services, as amended (Art. X)	India/Australia	I: 552 Vols. 35 and 425
18 Dec.	Tokyo	Treaty of friendship and commerce (Art. XIII)	Pakistan/Japan	I: 6093 Vol. 423
1961				
21 Feb.	Brussels	Treaty of friendship, establishment and navigation (Art. 19)	Belgium/United States	I: 6967 Vol. 480
8 Mar.	Brussels	Consular convention (Art. 43)	Belgium/United Kingdom	I: 7554 Vol. 523
11 Mar.	Reykjavik	Exchange of notes constituting an agreement settling the fisheries dispute (para. 4)	Iceland/United Kingdom	I: 5710 Vol. 397
30 Mar.	New York	Single convention on narcotic drugs (Art. 48)	Multilateral	I: 7515 Vol. 520
3 Apr.	Saigon	Treaty of amity and economic relations (Art. XIV)	United States/Republic of Viet Nam	I: 6106 Vol. 424
18 Apr.	Vienna	Optional protocol to the Vienna convention on diplomatic relations concerning the compulsory settlement of disputes	Multilateral	I: 7312 Vol. 500
30 May	Madrid	Consular convention (Art. 53)	United Kingdom/Spain	I: 8198 Vol. 562
17 June	Conakry	Air transport agreement (Art. 9)	Sweden/Guinea	I: 6729 Vol. 465

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[1] The date given here is that of the exchange of notes which modified the Agreement and by which Article XI became Article X.

1961 *(cont.)*	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
19 July	Reykjavik	Exchange of notes constituting an agreement concerning the fishery zone round Iceland (para. 5)	Iceland/Fed. Rep. of Germany	I:5877 Vol. 409
27 July	Beirut	Agreement for the establishment and operation of air services (Art. XII)	Lebanon/Liberia	I:11304 Vol. 794
24 Aug.	Amman	Agreement relating to air services (Art. 9)	Netherlands/Jordan	I:6733 Vol. 466
30 Aug.	New York	Convention on the reduction of statelessness (Art. 14)	Multilateral	I:14458 Vol. 989
31 Aug.	Monrovia	Agreement relating to air services (Art. XII)	Switzerland/Liberia	I:8160 Vol. 559
26 Oct.	Rome	International convention for the protection of performers, producers of phonograms and broadcasting organizations (Art. 30)	Multilateral	I:7247 Vol. 496
23 Nov.[1]	Rome	Constitution of the International Rice Commission, adopted at Washington 15/29 Nov. 1948, as amended (Art. XI)	Multilateral	I:1613 Vol. 418
23 Nov.[1]	Rome	Agreement for the establishment of Indo-Pacific Fisheries Council, adopted at Washington 15/29 Nov. 1948, as amended (Art. III)	Multilateral	I:1615 Vol. 418
1962				
23 Feb.	Luxembourg	Treaty of friendship, establishment and navigation (Art. XVII)	United States/Luxembourg	I:6868 Vol. 474
19 Mar.	Evian	*cf.* 1962, 3 July		
21 June	Paris	Air transport agreement (Art. 9)	Norway/Guinea	I:6738 Vol. 466
27 June	Copenhagen	Consular convention (Art. 36)	United Kingdom/Denmark	I:8197 Vol. 562
29 June	Bonn	Agreement relating to air services (Art. VIII)	Norway/Liberia	I:6739 Vol. 466
3 July[2]	Paris and Rocher-Noir	Exchange of letters and declarations adopted on 19 March 1962 at the close of the Evian talks, constituting an agreement (declaration of principles relating to the settlement of disputes)	France/Algeria	I:7395 Vol. 507

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[1] The date and the place given here are those on which the Conference of the Food and Agriculture Organization of the United Nations approved the amendments to the instrument.

[2] The date and the places given here are those of the exchange of letters.

1962 *(cont.)*	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
14 Nov.	London	Treaty of commerce, establishment and navigation (Art. 31)	United Kingdom/ Japan	I:6934 Vol. 478
10 Dec.	New York (opened for signature)	Convention on consent to marriage, minimum age for marriage and registration of marriages (Art. 8)	Multilateral	I:7525 Vol. 521
1963				
8 Jan.	Seoul	Consular convention (Art. 16)	United States/ Republic of Korea	I:7211 Vol. 493
24 Apr.	Vienna	Optional protocol to the Vienna convention on consular relatons concerning the compulsory settlement of disputes	Multilateral	I:8640 Vol. 596
13 Aug.	Asuncion	Agreement on trade and navigation (Art. XVI)	Belgium, Luxembourg, Netherlands/ Paraguay	I:8572 Vol. 592
14 Sep.	Tokyo	Convention on offences and certain other acts committed on board aircraft (Art. 24)	Multilateral	I:10106 Vol. 704
26 Oct.	Niamey	Act regarding navigation and economic co-operation between the States of the Niger Basin (Art. 7)	Multilateral	I:8506 Vol. 587
31 Oct.	Paris (opened for signature)	Protocol on privileges and immunities of the European Space Research Organization (Art. 29)	Multilateral	I:11473 Vol. 805
3 Dec.[1]	Rome	Agreement for the establishment of a General Fisheries Council for the Mediterranean, drawn up at Rome on 24 Sep. 1949, as amended (Art. XIII)	Multilateral	I:1691 Vol. 490
3 Dec.	Rome	Agreement for the establishment of a Commission for Controlling the Desert Locust in the Eastern Region of Its Distribution Area in South-West Asia (Art. XVII)	Multilateral	I:7663 Vol. 529
1964				
4 Feb.	Karachi	Agreement relating to scheduled air services (Art. XII, para. B, ii)	Pakistan/Lebanon	I:8863 Vol. 614
4 May	Tokyo	Consular convention (Art. 39)	United Kingdom/ Japan	I:8179 Vol. 561

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[1] The date and the place given here are those on which the Conference of the Food and Agriculture Organization of the United Nations approved the amendments to the Agreement.

1964 (cont.)	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
19 Sep.	Beirut	Agreement relating to air services (Art. XI)	India/Lebanon	I:11820 Vol. 825
1965				
25 Jan.	Geneva	Convention on the registration of inland navigation vessels (Art. 20)	Multilateral	I:21114 Vol. 1281
18 Mar.	Washington (opened for signature)	Convention on the settlement of investment disputes between States and nationals of other States (Art. 64)	Multilateral	I:8359 Vol. 575
21 Apr.	Belgrade	Consular convention (Art. 45)	United Kingdom/Yugoslavia	I:8620 Vol. 595
2 July	Rome	Agreement for establishment of a commission for controlling the desert locust in the Near East (Art. XVI)	Multilateral	I:8575 Vol. 592
7 July	London	Treaty for conciliation, judicial settlement and arbitration (Art. 14)	United Kingdom/Switzerland	I:8765 Vol. 605
7 July	Taif	Agreement on the partition of the neutral zone (Art. 22)	Saudi Arabia/Kuwait	I:3054 Vol. 1750
1966				
8 Feb.	Lomé	Treaty of amity and economic relations (Art. XIV)	United States/Togo	I:9677 Vol. 680
15 Feb.	Geneva	Convention on the measurement of inland navigation vessels (Art. 14)	Multilateral	I:13899 Vol. 964
7 Mar.	New York (opened for signature)	International convention on the elimination of all forms of racial discrimination (Art. 22)	Multilateral	I:9464 Vol. 660
1967				
31 Jan.	New York	Protocol relating to the status of refugees (Art. IV)	Multilateral	I:8791 Vol. 606
14 Feb.	Mexico City	Treaty for the prohibition of nuclear weapons in Latin America (Art. 24)	Multilateral	I:9068 Vol. 634
14 Mar.	Manila	Trade agreement (Art. IX)	Belgium, Luxembourg, Netherlands/Philippines	I:12382 Vol. 863
24 May	Kabul	Agreement relating to air services (Art. IX)	Denmark/Afghanistan	I:9951 Vol. 695
1 June	London	Convention on conduct of fishing operations in the North Atlantic (Art. 13)	Multilateral	I:15849 Vol. 1051
10 July	Paris	International agreement on the procedure for the establishment of tariffs for scheduled air services (Art. 4)	Multilateral	I:9971 Vol. 696

1967 *(cont.)*	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
14 July[1]	Stockholm	Convention for the protection of industrial property signed at Paris on 20 March 1883, as revised (Art. 28)	Multilateral	I: 11851 Vol. 828
1968				
23 Feb.	Brussels	Protocol amending the international convention for the unification of certain rules of law relating to bills of lading, signed at Brussels on 25 August 1925 (Art. 8)	Multilateral	I: 23643 Vol. 1412
8 Nov.	Vienna	Convention on road traffic (Art. 52)	Multilateral	I: 15705 Vol. 1042
8 Nov.	Vienna	Convention on road signs and signals (Art. 44)	Multilateral	I: 16743 Vol. 1091
1969				
13 Feb.	Geneva	Agreement establishing the European Molecular Biology Conference (Art. VIII)	Multilateral	I: 10462 Vol. 727
23 May	Vienna	Convention on the law of treaties (Art. 66)	Multilateral	I: 18232 Vol. 1155
25 July	Boston	International health regulations (Art. 106)	Multilateral	I: 10921 Vol. 764
2 Sep.	Washington	Consular convention (Art. 46)	Belgium United States	I: 13178 Vol. 924
8 Sep.	Mexico City	Convention on the privileges and immunities of the Agency for the Prohibition of Nuclear Weapons in Latin America (Art. 7)	Multilateral	I: 16545
30 Dec.	Belgrade	Consular convention (Art. 46)	Belgium Yugoslavia	I: 13441 Vol. 943
1970				
23 Apr.	Brussels	International convention on travel contracts (Art. 32, para. 2)	Multilateral	I: 21051 Vol. 1275
19 June	Washington	Treaty on patent co-operation (Art. 59)	Multilateral	I: 18336 Vol. 1160
1 Dec.	Rome	Agreement for the establishment of a commission for controlling the desert locust in North-West Africa (Art. XVI)	Multilateral	I: 11354 Vol. 797
16 Dec.	The Hague	Convention on the suppression of the unlawful seizure of aircraft (Art. 12, para. 1)	Multilateral	I: 12325 Vol. 860
1971				
21 Feb.	Vienna	Convention on psychotropic substances (Art. 31)	Multilateral	I: 14956 Vol. 1019

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[1] The date and the place given here are those of the signature of the revised Convention.

1971 (cont.)	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
14 July	Brussels	Treaty of commerce (Art. 11)	Belgium, Luxembourg, Netherlands/USSR	I:12656 Vol. 883
17 July	Accra	Agreement for the provision of a special loan to the Government of the Republic of Ghana to facilitate the payment of medium term commercial debts (Art. VII)	United Kingdom/Ghana	I:11467 Vol. 805
24 July[1]	Paris	Convention for the protection of literary and artistic works signed at Berne on 9 September 1886, as revised (Art. 33)	Multilateral	I:25986
24 July	Paris	Universal copyright convention, signed at Geneva on 6 September 1952, as revised (Art. XV)	Multilateral	I:13444 Vol. 943
23 Sep.	Montreal	Convention for the suppression of unlawful acts against the safety of civil aviation (Art. 14)	Multilateral	I:14118 Vol. 974
6 Oct.	Paris	Convention on the establishment of the International Institute for the Management of Technology (Art. 7)	Multilateral	I:14566 Vol. 995
1972				
28 Apr.	Ankara	Consular convention (Art. 58)	Belgium/Turkey	I:15142 Vol. 1029
16 May	Basle	European convention on State immunity (Art. 34)	Multilateral	I:25699
1973				
10 May	Geneva	Agreement establishing the European Molecular Biology Laboratory (Art. XII)	Multilateral	I:13668 Vol. 954
12 June	The Hague	Protocol relating to refugee seamen (Art. II)	Multilateral	I:13928 Vol. 965
22 June	Rome	Agreement for the establishment of a Regional Animal Production and Health Commission for Asia, the Far East and the South-West Pacific (Art. XX)	Multilateral	I:14604 Vol. 997
5 Oct.	Munich	Convention on the grant of European patents (Art. 173)	Multilateral	I:16208 Vol. 1065
19 Nov.	Montevideo	Treaty of the La Plata River and its maritime limits (Art. 87)	Uruguay/Argentina	I:21424 Vol. 1295

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[1] The date and the place given here are those of the signature of the revised Convention.

1973 (*cont.*)	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
30 Nov.	New York	International convention on the suppression and punishment of the crime of *apartheid* (Art. XII)	Multilateral	I: 14861 Vol. 1015
14 Dec.	New York	Convention on the prevention and punishment of crimes against internationally protected persons, including diplomatic agents (Art. 13)	Multilateral	I: 15410 Vol. 1035
1974				
19 Feb.	Madrid	Agreement on the delimitation of the continental shelf (Art. 3, para. 2)	Italy/Spain	I: 17429 Vol. 1120
22 Mar.	Helsinki	Convention on the protection of the marine environment of the Baltic Sea area (Art. 18, para. 2)	Multilateral	I: 18338 Vol. 1161
16 May	Khartoum	Agreement relating to the joint exploitation of the natural resources of the sea-bed and subsoil of the Red Sea in the common zone (Art. XVI)	Sudan Saudi Arabia	I: 13605 Vol. 952
1975				
26 Feb.	Salto	Treaty concerning the status of the river Uruguay (Art. 60)	Uruguay Argentina	I: 21425 Vol. 1295
8 Aug.	New York	Single convention on narcotic drugs, 1961, as amended (Art. 48)	Multilateral	I: 14152 Vol. 1976
1977				
24 May	Athens	Agreement on the delimitation of the respective continental shelves of the two States (Art. IV)	Greece/Italy	I: 21048 Vol. 1275
1978				
5 July	Geneva	Protocol to the convention on the contract for the international carriage of goods by road (CMR) (Art. 8)	Multilateral	I: 19487 Vol. 1208
1979				
30 Mar.	Geneva	International agreement on olive oil (Art. 14, para. 2)	Multilateral	I: 19674 Vol. 1219
10 May	Manila	Treaty of amity, commerce and navigation (Art. XV, para. 2)	Japan/Philippines	I: 20979 Vol. 1272
8 Apr.	Vienna	Constitution of the United Nations Industrial Development Organization (UNIDO) (Art. 22, para. 1 (*b*))	Multilateral	I: 23432 Vol. 1401
17 Dec.	New York	International convention against the taking of hostages (Art. 16, para. 1)	Multilateral	I: 21931 Vol. 1316

1979 (cont.)	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
18 Dec.	New York	Convention on the elimination of all forms of discrimination against women (Art 29)	Multilateral	I:20378 Vol. 1249
1980				
20 May	Canberra	Convention on the conservation of Antarctic marine living resources	Multilateral	I:22301 Vol. 1329
30 Oct.	Lima	General peace treaty (Arts. 31-36 and 39)	El Salvador/ Honduras	I:21856 Vol. 1310
1981				
23 Jan.	Cotonou	Agreement concerning technical co-operation (Art. XI)	Switzerland/Benin	I:19804 Vol. 1226
1984				
10 Dec.	New York	Convention against torture and other cruel, inhuman or degrading treatment or punishment (Art. 30, para. 1)	Multilateral	I:24841 Vol. 1465
1985				
22 Mar.	Vienna	Vienna convention for the protection of the ozone layer (Art. 11)	Multilateral	I:26164 Vol. 1513
8 Nov.	Geneva	Agreement concerning the establishment of a branch office of the Organization in Madrid (Art. 8, para. 2)	International Labour Organization/Spain	I:24015 Vol. 1422
10 Dec.	New York	International convention against *apartheid* in sports (Art. 19)	Multilateral	I:25822 Vol. 1500
1986				
21 Mar.	Vienna	Vienna convention on the law of treaties between States and international organizations or between international organizations (Art. 66, para. 2)	Multilateral	
1988				
10 Mar.	Rome	Convention for the suppression of unlawful acts against the safety of maritime navigation (Art. 18, para. 1)	Multilateral	I:29004 Vol. 1678
20 Dec.	Vienna	United Nations convention against illicit traffic in narcotic drugs and psychotropic substances (Art. 32)	Multilateral	I:27627 Vol. 1582
1989				
19 Oct.	Berne	Treaty on extradition (Art. 17, para. 2)	Philippines/ Switzerland	I:34124 Vol. 1994

1989 (*cont.*)	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
4 Dec.	New York	International convention against the recruitment, use, financing and training of mercenaries (Art. 17, para. 1)	Multilateral	I:37789
1990				
18 Dec.	New York	International Convention on the protection of the rights of all migrant workers and members of their families (Art. 92, para. 1)	Multilateral	
1991				
25 Feb.	Espoo	Convention on environmental impact assessment in a transboundary context (Art. 15, para. 2)	Multilateral	I:34028 Vol. 1989
1 Mar.	Montreal	Convention on the marking of plastic explosives for the purpose of detection (Art. XI, para. 1)	Multilateral	
25 Nov.	Berne	Treaty on mutual assistance in criminal matters (Art. 21, para. 3)	Australia/ Switzerland	I:31588 Vol. 1856
1992				
17 March	Helsinki	Convention on the protection and use of transboundary watercourses and international lakes (Art. 22, para. 1)	Multilateral	I:33207 Vol. 1936
9 May	New York	United Nations framework convention on climate change (Art. 14, para. 2)	Multilateral	I:30822 Vol. 1771
5 June	Rio de Janeiro	Convention on biological diversity (Art. 27, para. 3)	Multilateral	I:30619 Vol. 1760
1993				
10 May	Canberra	Convention for the conservation of southern bluefin tuna (Art. 16, para. 2)	Multilateral	I:31155 Vol. 1819
14 Oct.	Dakar	Agreement on management and co-operation (Art. 9)	Senegal/ Guinea-Bissau	I:32434 Vol. 1903
1994				
14 June	Oslo	Protocol to the 1979 Convention on long-range transboundary air pollution on further reduction of sulphur emissions (Art. 9)	Multilateral	

1998	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
18 June	Tampere	Convention on the provision of telecommunication resources for disaster mitigation and relief operations (Art. 11, para. 3 *(b)*)	Multilateral	
24 June	Aarhus	Protocol to the 1979 convention on long-range transboundary air pollution on persistent organic pollutants (Art. 12, para. 2 *(a)*)	Multilateral	
24 June	Aarhus	Protocol to the 1979 convention on long-range transboundary air pollution on heavy metals (Art. 11, para. 2 *(a)*)	Multilateral	
25 June	Aarhus	Convention on access to information, public participation in decision-making and access to justice in environmental matters (Art. 16, para. 2 *(a)*)	Multilateral	I:37770 Vol. 2161
17 July	Rome	Statute of the International Criminal Court	Multilateral	I:38544 Vol. 2187
10 Sep.	Rotterdam	Convention on the prior informed consent procedure for certain hazardous chemicals and pesticides in international trade (Art. 20, para. 2 *(b)*)	Multilateral	I:39973
1999				
17 June	London	Protocol on water and health to the 1992 convention on the protection and use of transboundary watercourses and international lakes (Art. 20, para. 2 *(b)*)	Multilateral	
9 Dec.	New York	International convention for the suppression of the financing of terrorism (Art. 24, para. 1)	Multilateral	I:38349 Vol. 2178
2000				
12 Dec.	Palermo	Protocol against the smuggling of migrants by land, sea and air, supplementing the United Nations convention against transnational organized crime (Art. 20, para. 2)	Multilateral	
12 Dec.	Palermo	Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations convention against transnational organized crime (Art. 15, para. 2)	Multilateral	

2000 *(cont.)*	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
12 Dec.	Palermo	United Nations convention against transnational organized crime (Art. 35, para. 2)	Multilateral	
2001				
22 May	Stockholm	Convention on persistent organic pollutants (Art. 16, para. 2)	Multilateral	I:40214
31 May	New York	Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations convention against transnational organized crime (Art. 16, para. 2)	Multilateral	

CHAPTER V

FUNCTIONING AND PRACTICE OF THE COURT

In matters concerning its administration and procedure, the International Court of Justice applies Articles 21, 22 and 39-68 of its Statute and Articles 12, 19-31 and 38-109 of its Rules.

I. Seat

The seat of the Court is established at The Hague (Netherlands); this however, does not prevent the Court from sitting and exercising its functions elsewhere whenever the Court considers it desirable to do so (Statute, Art. 22, para. 1; Rules, Art. 55).

The Court occupies, in the Peace Palace at The Hague, the premises formerly occupied by the *Permanent Court of International Justice* as well as a new wing built at the expense of the Netherlands Government and inaugurated in 1978. An extension of that new wing as well as a number of newly constructed offices on the third floor of the Peace Palace were inaugurated in 1997.

An agreement of 21 February 1946 between the United Nations and the Carnegie Foundation, which is responsible for the administration of the Peace Palace, determines the conditions under which the Court uses these premises. The agreement was approved by the General Assembly of the United Nations in resolution 84 (I) of 11 December 1946. It provides for the payment to the Carnegie Foundation of an annual contribution (see Chap. VIII, p. 385, below).

II. Administration

1. The Presidency and the Committees of the Court

The President shall preside at all meetings of the Court; he shall direct the work and supervise the administration of the Court (Rules, Art. 12)[1].

Decisions which have to be taken by the Court on administrative matters are prepared by a Budgetary and Administrative Committee composed of the President (chair), the Vice-President and five judges who are elected tri-annually (at present Judges Guillaume, Koroma, Vereshchetin, Kooijmans and Al-Khasawneh).

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[1] Occasionally the President is requested by third persons to undertake tasks outside the judicial work of the Court. These activities are described at the end of this chapter (pp. 216-217, below).

In 1967 the Court established a Committee on Relations. Its present members are Judges Parra-Aranguren (chair), Rezek, Al-Khasawneh and Owada. This committee is responsible for preparing plans and programmes with a view to the wider dissemination of information on the work of the Court and the maintenance of its relations with other United Nations organs, the specialized agencies, and international bodies and conferences concerned with the codification and progressive development of international law.

In 1970 the Court established a Library Committee (at present Judges Koroma (chair), Kooijmans, Rezek, Buergenthal and Tomka) to review the programme of acquisitions for the library of the Court and supervise the continuous modernization of its services.

In 1979 the Court constituted the Rules Committee as a standing body. Its members are at present Judges Higgins (chair), Buergenthal, Elaraby, Owada, Simma and Tomka.

In 1997 the Court established a Committee on Computerization, at present under the chairmanship of the Vice-President and open to all interested Members of the Court.

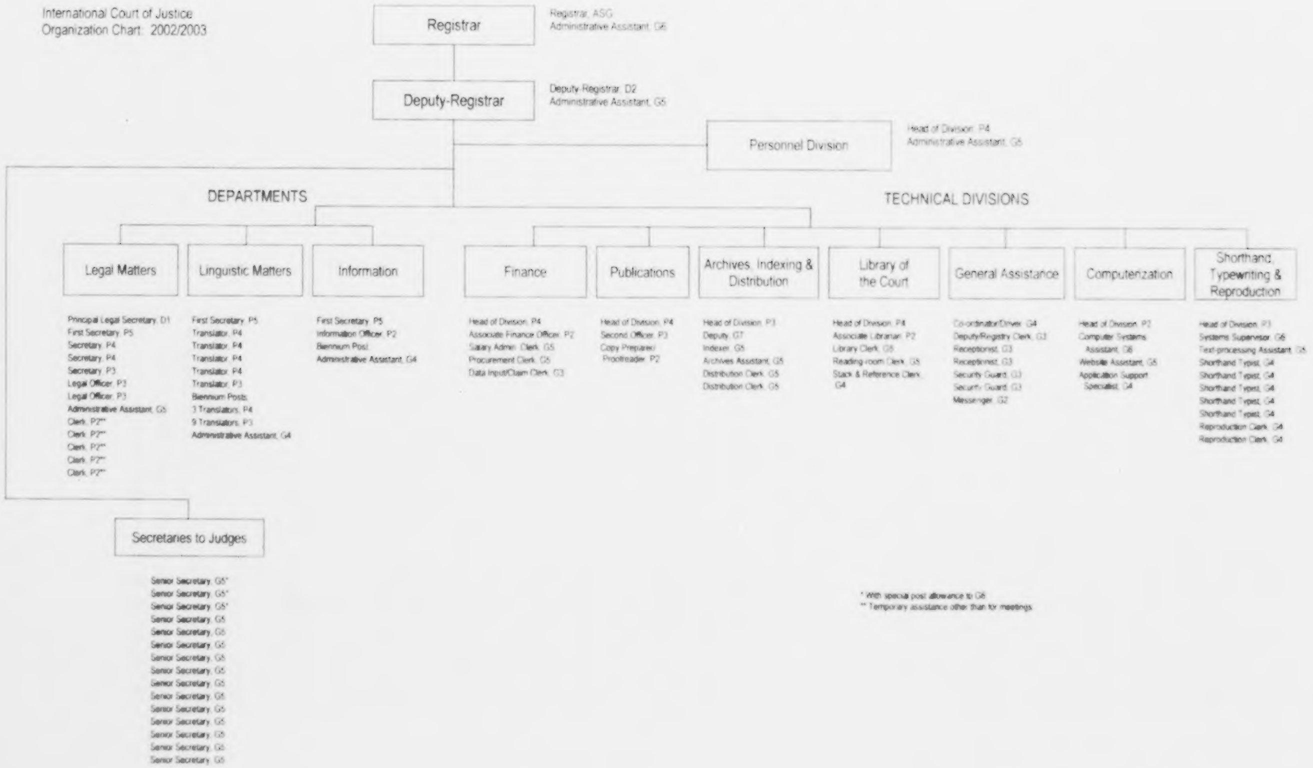
2. *The Registry*

The Registry is the administrative organ of the Court. Its role is defined by the Statute and the Rules (in particular Rules, Arts. 22-29). The organization of the Registry is prescribed by the Court on proposals submitted by the Registrar, and Instructions for the Registry are drawn up by the Registrar and approved by the Court (Rules, Art. 28, paras. 2 and 3). The instructions drawn up in October 1946 were amended in March 1947 and September 1949 (*I.C.J. Yearbook 1946-1947*, pp. 72-87; *I.C.J. Yearbook 1949-1950*, p. 24). In December 1997 the Court accepted virtually all recommendations of a Sub-Committee on Rationalization which it had created to examine the working methods in the Registry and to make proposals for their rationalization and improvement (cf. the Court's response to General Assembly resolution 52/161, reproduced in *I.C.J. Yearbook 1997-1998*, p. 275). Following the inspection on management and administration in the Registry of the Court, made in 1999 by the Joint Inspection Unit, the ensuing report was considered by the General Assembly on 14 June 2001 (cf. General Assembly resolution 55/257). An organization chart of the Registry appears on the page opposite.

(a) *The Registrar and the Deputy-Registrar*

The Court appoints its Registrar from among candidates proposed by Members of the Court; he is elected for a term of seven years and may be re-elected (Statute, Art. 21, para. 2; Rules, Art. 22). The Court also appoints a Deputy-Registrar, under the same conditions and in the same way as the Registrar (Rules, Art. 23).

International Court of Justice
Organization Chart: 2002/2003


Registrar
Registrar, ASG
Administrative Assistant, G6
Deputy-Registrar
Deputy-Registrar, D2
Administrative Assistant, G5
Personnel Division
Head of Division, P4
Administrative Assistant, G5
DEPARTMENTS
TECHNICAL DIVISIONS
Legal Matters
Principal Legal Secretary, D1
First Secretary, P5
Secretary, P4
Secretary, P4
Secretary, P3
Legal Officer, P3
Legal Officer, P3
Administrative Assistant, G5
Clerk, P2**
Clerk, P2**
Clerk, P2**
Clerk, P2**
Clerk, P2**
Linguistic Matters
First Secretary, P5
Translator, P4
Translator, P4
Translator, P4
Translator, P4
Translator, P3
Biennium Posts:
3 Translators, P4
9 Translators, P3
Administrative Assistant, G4
Information
First Secretary, P5
Information Officer, P2
Biennium Post:
Administrative Assistant, G4
Finance
Head of Division, P4
Associate Finance Officer, P2
Salary Admin. Clerk, G5
Procurement Clerk, G5
Data Input/Claim Clerk, G3
Publications
Head of Division, P4
Second Officer, P3
Copy Preparer/
Proofreader, P2
Archives, Indexing & Distribution
Head of Division, P3
Deputy, G7
Indexer, G5
Archives Assistant, G5
Distribution Clerk, G5
Distribution Clerk, G5
Library of the Court
Head of Division, P4
Associate Librarian, P2
Library Clerk, G5
Reading-room Clerk, G5
Stack & Reference Clerk, G4
General Assistance
Co-ordinator/Driver, G4
Deputy/Registry Clerk, G3
Receptionist, G3
Receptionist, G3
Security Guard, G3
Security Guard, G3
Messenger, G2
Computerization
Head of Division, P2
Computer Systems Assistant, G6
Website Assistant, G5
Application Support Specialist, G4
Shorthand, Typewriting & Reproduction
Head of Division, P3
Systems Supervisor, G6
Text-processing Assistant, G5
Shorthand Typist, G4
Shorthand Typist, G4
Shorthand Typist, G4
Shorthand Typist, G4
Shorthand Typist, G4
Reproduction Clerk, G4
Reproduction Clerk, G4
Secretaries to Judges
Senior Secretary, G5*
Senior Secretary, G5*
Senior Secretary, G5*
Senior Secretary, G5
Senior Secretary, G5
Senior Secretary, G5
Senior Secretary, G5
Senior Secretary, G5
Senior Secretary, G5
Senior Secretary, G5
Senior Secretary, G5
Senior Secretary, G5
Senior Secretary, G5
Senior Secretary, G5
Senior Secretary, G5

* With special post allowance to G6
** Temporary assistance other than for meetings

The general functions of the Registrar are defined by the Rules of Court (Art. 26) and the Instructions for the Registry (Art. 1). He is the regular channel of communications to and from the Court, and in particular he effects all communications, notifications and transmissions of documents required by the Statute or by the Rules; he keeps a General List of all cases, entered and numbered in the order in which the documents instituting proceedings or requesting an advisory opinion are received in the Registry; he is present, in person or by his deputy, at meetings of the Court, and of the Chambers, and is responsible for the preparation of minutes of such meetings; he makes arrangements for such provision or verification of translations and interpretations into the Court's official languages (French and English) as the Court may require; he signs all judgments, advisory opinions and orders of the Court as well as the minutes; he is responsible for the administration of the Registry and for the work of all its departments and divisions, including the accounts and financial administration in accordance with the financial procedures of the United Nations; he assists in maintaining the Court's external relations, both with international organizations and States and in the fields of information and publications (official publications of the Court, press communiqués, etc.); finally, he has custody of the seals and stamps of the Court, of the archives of the Court, and of such other archives as may be entrusted to the Court (including the archives of the Nuremberg Tribunal).

The Deputy-Registrar assists the Registrar and acts as Registrar in the latter's absence; he has recently been entrusted with wider administrative responsibilities, including direct supervision of the Archives, Computerization and General Assistance Divisions.

The present Registrar is Mr. Philippe Couvreur, of Belgian nationality, who was elected on 10 February 2000 for a term of 7 years. Mr. Couvreur, who joined the Court in 1982 as special assistant to the Registrar and the Deputy-Registrar, had risen to the rank of Secretary, then First Secretary, in the Legal Department and had served as Principal Legal Secretary since 1995. He has lectured in public international law at various universities, including the Université Catholique de Louvain, and he is the author of a number of publications on the Court.

On 15 February 1994 the Court elected Mr. Jean-Jacques Arnaldez to the post of Deputy-Registrar for a term of 7 years, as from 19 February 1994. He was re-elected for a term of seven years on 19 February 2001. Mr. Arnaldez, who is of French nationality, was previously Legal Counsel in a Paris international law firm (1977-1982) and Counsel in the International Court of Arbitration of the International Chamber of Commerce (ICC) in Paris (1982-1994).

Previous Registrars of the Court were E. Hambro (1946-1953), J. López-Oliván (1953-1960), J. Garnier-Coignet (1960-1966), S. Aquarone (1966-1980), S. Torres Bernárdez (1980-1986) and E. Valencia-Ospina (1987-2000). Previous Deputy-Registrars were J. Garnier-Coignet (1946-1960), S. Aquarone (1960-1966), W. Tait (1966-1976), A. Pillepich (1977-1984), E. Valencia-Ospina (1984-1987) and B. Noble (1987-1994).

(b) *Departments of the Registry*

The officials of the Registry are appointed by the Court on proposals submitted by the Registrar (Statute, Art. 21, para. 2; Rules, Art. 25). General Service staff, however, are appointed by the Registrar with the approval of the President. Short-term staff are appointed by the Registrar. (Rules, Art. 25; Staff Regulations for the Registry, Art. 5; Instructions for the Registry, Art. 4).

All officials of the Registry, whether permanent or temporary, must be proficient in English and French and those whose work involves linguistic responsibilities must have one of these languages as their first language.

The following table gives a list of officials employed by the Registry (both on a permanent basis and under fixed-term contracts) as at 31 July 2002.

	Date of assumption of duties	*Nationality*
Department of Legal Matters		
Principal Legal Secretary		
H. Thirlway	1 March 2003	British
First Secretary		
J.-P. Isselé	5 April 1988	French
Secretaries		
F. Ouguergouz	6 February 1995	Algerian
S. Punzhin	1 August 1997	Russian
Legal Officers		
C. Espaliú Berdud	19 June 2000	Spanish
Ms N. Wiles	17 July 2000	British
S. Villalpando	16 September 2002	Argentinian
Law Clerks		
Ms N. Bayat	15 May 2002	South African
Ms Y. Takashiba	1 June 2002	Japanese
G. Etienne	3 June 2002	French
N. Burniat	1 June 2002	Belgian
Department of Linguistic Matters		
First Secretary		
A. Brouillet	13 June 1988	French
Translators/Interpreters		
T. Johnston	1 September 1998	British
E. Gassama	4 March 2002	Senegalese
P. Hilgert	29 August 2001	French
J. Scharfer	17 April 2000	American and French

Ms A. Lajoie	2 September 2002	Canadian
Ms A. Merand	2 July 2001	French
Ms A. Mairesse	14 January 2002	French
N. Ramade	1 May 2001	French
Ms M. Acker	21 June 1999	French
Ms N. Apfelbaum-Lubek	5 June 2001	French and Canadian
Ms V. Sorensen Ravnso	21 January 2002	French
Ms M. Vidil	1 July 2001	French
Ms L. Wagner	14 April 2003	French
J. Brannan	26 August 2002	British
D. Ulivi	1 February 2003	French

Department of Information

First Secretary

A. Th. Witteveen	15 July 1975	Dutch

Information Officers

Ms L. Blairon	1 October 1997	Belgian
B. Heim	1 February 2002	French

Publications Division

S. H. Herd Head of Division	1 August 1987	British
Ms F. Bouillé-Chiche Deputy Head of Division	5 August 2002	French
A. Baudat	1 November 2000	Swiss

Finance Division

M. Mendella Head of Division	1 April 1986	Canadian
Ms C. Sappore-Siaw Deputy Head of Division	1 January 1999	Gambian
C. Uriot	1 March 1981	Dutch
T. Komnenović	1 August 1973	Yugoslav
Ms S. Kablan-Tasan	1 August 2002	Turkish

Personnel Division

E. Andronov Head of Division	15 October 2002	Russian
Ms O. Koukhtina	1 December 2002	Russian

Documents Division Library of the Court

Ms J. Rangel Librarian, Head of Division	1 January 2003	Brazilian

M. Schiethart Deputy Head of Division	1 January 1981	Dutch
Ms C. Fumé	23 July 2002	French
G. Vooijs	1 January 1981	Dutch
Ms A. Barkworth	19 August 2002	Canadian and Dutch

Archives, Indexing and Distribution Division

S. R. S. Bedi Head of Division	16 September 1985	Indian
M. Sow Deputy Head of Division	1 August 1985	Senegalese
Ms S. Arlen	1 May 2002	French

Indexing

Ms M. P. Castro Granja	4 June 2000	Spanish

Distribution

D. Ahanhanzo	1 July 2001	Beninese
U. Mijušković	10 March 2003	Yugoslav

Administrative Assistants

Ms A.-M. Curvers	1 September 1996	Belgian
Ms D. Brouillet-Sourisseau	1 January 1990	French
Ms A. Hooft-Dupont	22 September 1997	Belgian
Ms A. Dumoulin	14 May 2001	French
Ms S. Burer	1 June 1999	Dutch

Shorthand, Typewriting and Reproduction Division

Ms C. Blom-Rakoto Head of Division	5 September 1983	French and Malagasy
Ms H. E. Jeffares Deputy Head of Division	1 October 1993	Irish

Shorthand Typists

French-speaking

Ms B. Chassang	1 October 1999	French
Ms D. Marlhens	4 March 2002	French
Ms E. Rabilloud	13 May 2002	French
Ms M. Maniacky	1 September 2002	French
Ms R. Baquedano	6 January 2003	French

English-speaking

Ms H. Guérin	1 January 2000	American and French
Ms M. Cavelier	19 June 2001	French and Mexican
Ms L. Tanggahma	14 March 2001	Dutch

Reproduction

G. D'Olivo	1 December 1982	Italian and Dutch
E. van Heeswijk	17 August 1993	Dutch

Secretaries of Members of the Court

Ms W. Ch. Deelder Co-ordinator	1 July 1982	Dutch
Ms M. Page	1 January 1983	French
Ms M. Cleary-Cogan	16 January 1989	British
Ms J. E. van Hamel-Newall	1 November 1985	British
Ms J. Devisme	1 January 1986	French
Ms H. H. Muijen	1 June 1987	Dutch
Ms A. Rowland-Moore	1 January 1989	British
Ms M. Sullivan	1 January 1990	British
Ms Ch. L. Kamers	8 March 1993	Dutch
Ms M.-F. Teven	30 January 1995	French
Ms D. Okandeji	8 September 1997	French
Ms C. Wainwright	1 January 1999	Australian
Ms S. van Beek	1 May 2002	American
Ms Y. Hoogenhout	1 September 2002	Australian and Dutch

Computerization Division

B. J. van Veen	1 March 1982	Dutch
H. Laeijendecker	1 April 1994	Dutch
Ms M. Hand	1 November 1997	British
G. Auber	1 July 2003	French

General Assistance Division

I. J. van der Meer Co-ordinator	1 February 1979	Dutch
H. R. I. Castens Registry Clerk	1 June 1999	Dutch

Telephone Operators/Receptionists

Ms M. Buan	1 October 1991	Dutch
Ms I. Kieffer	25 June 2001	French
Ms J. Kanga	24 February 2003	Cameroonian

Security Guards

R. Pijl	1 January 1990	Dutch
J. J. Neüs	1 June 1999	Dutch

Messenger

D. Driessen	1 April 1982	Dutch

(c) *Staff Regulations for the Registry*

Article 28, paragraph 4, of the Rules of Court states:

> "The staff of the Registry shall be subject to Staff Regulations drawn up by the Registrar, so far as possible in conformity with the United Nations Staff Regulations and Staff Rules, and approved by the Court."

On 7 March 1979 the Court adopted new Staff Regulations for the Registry, which are reproduced in Chapter VI of the *I.C.J. Yearbook 1978-1979* (pp. 127-131). In November 1987 these Staff Regulations were amended (see *I.C.J. Yearbook 1988-1989*, pp. 163-164), in July 1996, in April 1997 (see *I.C.J. Yearbook 1997-1998*, p. 265), in December 2000 and in September 2002.

Before 1979 staff members of the Registry had been subject to Staff Regulations adopted by the President and approved by the Court in March 1947 in accordance with Article 18, paragraph 2, of the 1946 Rules of Court; these Staff Regulations had been amended in February and March 1950 and in June 1951 (see *I.C.J. Yearbook 1946-1947*, pp. 66-71; *I.C.J. Yearbook 1949-1950*, pp. 23-24; *I.C.J. Yearbook 1950-1951*, pp. 25-27).

(d) *Privileges and immunities*

In the Netherlands, in accordance with the terms of an exchange of letters, dated 26 June 1946, between the President of the Court and the Minister for Foreign Affairs of the Netherlands, the Registrar is, in a general way, accorded the same treatment as heads of diplomatic missions accredited to Her Majesty the Queen of the Netherlands, and officials of the Registry are treated as officials of comparable rank attached to diplomatic missions at The Hague (*I.C.J. Acts and Documents No. 5*, pp. 201-207).

By resolution 90 (I) of 11 December 1946 (*ibid.*, pp. 207-211) the General Assembly of the United Nations recommended that, on journeys in connection with the exercise of his functions, the Registrar should enjoy all the privileges, immunities and facilities granted to diplomatic envoys and that the officials of the Registry should, in the same circumstances, enjoy such privileges, immunities and facilities for residence and travel as may be necessary for the independent exercise of their functions.

This resolution also contains a recommendation calling upon Members of the United Nations to recognize and accept the United Nations laissez-passer issued to the Registrar and officials of the Registry by the Court. Such laissez-passer have been issued since 1950. They are similar in form to those issued by the Secretary-General of the United Nations. They are signed by the President of the Court and by the Registrar.

3. Relations with the Public

(a) *Correspondence*

Article 26, paragraph 1 *(a)*, of the Rules of Court states that the Registrar shall "be the regular channel for communications to and from the Court".

Consequently, correspondence should be addressed to *The Registrar, International Court of Justice, Peace Palace, Carnegieplein 2, 2517 KJ The Hague, Netherlands* (telegraphic address: INTERCOURT THE HAGUE; Telex: 32323; Telefax (3170) 364 99 28; E-mail addresses: webmaster@icj-cij.org (technical comments), information@icj-cij.org (requests for information and for documents) and mail@icj-cij.org (other requests and comments). It should be written in either English or French[1].

A special issue of postage stamps is used by the Netherlands postal administration for the franking of correspondence from the Court.

The Court's telephone number is (3170) 302 23 23.

(b) *Access to the Court's library and archives*

The library of the Court is separate from the library of the Peace Palace, which is situated in the same building but is administered by the Carnegie Foundation. The relations between the two libraries were the subject of an exchange of notes dated 29 and 30 July 1946 (*I.C.J. Yearbook 1946-1947*, pp. 98-99). The public has access to the Peace Palace Library, but the library of the Court is private.

The Court's library keeps the archives of the Nuremberg *International Military Tribunal*, as entrusted to the Court pursuant to a decision of that Tribunal dated 1 October 1946. These archives, which relate solely to the trial of the major war criminals tried in 1945-1946, may be consulted on written application to the Registrar.

Neither the archives of the Court itself nor those of the *Permanent Court of International Justice* are open to the public (Rules, Art. 26, para. 1 *(n)*).

(c) *Information*

Article 26, paragraph 1 *(k)* and *(m)*, of the Rules of Court provides that the Registrar shall "deal with enquiries concerning the Court and its work" and "ensure that information concerning the Court and its activities is made accessible to governments, the highest national courts of justice, professional and learned societies, legal faculties and schools of law, and public information media". For the purpose of carrying out this function, the Registrar is assisted by one of the First Secretaries.

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[1] It is not possible for the Registry to give legal advice or to enter into correspondence with private persons concerning any matter at issue between them and the authorities of their own or another country.

The Registrar arranges as he considers necessary for the publication of information concerning the composition, jurisdiction and work of the Court, and the cases before the Court[1].

In order to increase the availability of Court documents and reduce communication costs, the Court decided to develop a website, which was launched on 25 September 1997 in both English and French. At the time of preparation of this *Yearbook*, it featured the full text of the Court's Judgments and Orders since 1996 (posted on the day they were delivered), summaries of past decisions, most of the relevant documents in pending cases (Application or Special Agreement and written and oral pleadings); unpublished pleadings available in electronic form for cases prior to 1996; press releases; some basic documents (United Nations Charter and the Statute and Rules of the Court); declarations recognizing as compulsory the jurisdiction of the Court and a list of treaties and other agreements relating to that jurisdiction; general information on the Court's history and procedure; and the biographies of the judges, as well as a catalogue of publications. The website can be visited at the following address: http://www.icj-cij.org.

The following documentation, issued separately in English and in French, is available free of charge on application to the Registry:

Press Communiqués;

Background Notes, of which five are available:

II and *II bis. Synopsis of cases referred to the International Court of Justice (1947-1969* and *1969-1976);*
IV. Note by the Registry indicating the Rules of Court amended on 10 May 1972;
V. Note by the Registry on the Revised Rules of Court (1978);
VI. Collected unofficial summaries of decisions concerning the law of the sea (1946-1986);
VII. Note by the Registry indicating the Rules of Court (1978) amended on 5 December 2000.

Also obtainable, in the framework of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, from the Registry or United Nations Information Centres, are:

— a popular booklet entitled "The International Court of Justice. Questions and Answers about the Principal Judicial Organ of the United Nations" (2000), published by the United Nations Department of Public Information on co-operation with the Court. The Arabic, Chinese, Dutch, English, French, Russian and Spanish editions have been published.

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[1] These publications are distinct from the publications of the Court issued by the Registry: see below, Chap. VII, pp. 344-346.

– a "handbook", in French (English edition out of print), on *The International Court of Justice* (1996), the former edition (1986) of which was published in Arabic, Chinese, English, French, Russian, Spanish and German (German edition out of stock).

– unofficial Arabic, Chinese, Russian and Spanish texts of the Rules of Court.

A film on the Court by the United Nations Department of Public Information is also available on application to that Department or to a United Nations Information Centre.

Groups often ask to visit the Registry and have the way the Court functions explained to them. So far as the work of the Court permits, the Registrar accedes to requests of this kind. During the period under review the Court received a great number of groups including diplomats, scholars and academics, judges and representatives of judicial authorities, lawyers and legal professionals, as well as others.

Information on the assistance given members of the public and representatives of the press to help them follow the proceedings in cases before the Court will be found within the following section (pp. 205, 207, 208).

III. PRACTICE IN REGARD TO PROCEDURE[1]

1. *General*

(a) *Official languages*

The official languages of the Court are French and English (Statute, Art. 39; Rules, Arts. 51, 70 and 71).

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[1] For decisions taken by the Court involving the application of its Statute and Rules in procedural matters, see *I.C.J. Yearbook 1962-1963*, pp. 91-137; *I.C.J. Yearbook 1963-1964*, pp. 99-109; *I.C.J. Yearbook 1964-1965*, pp. 87-88; *I.C.J. Yearbook 1965-1966*, pp. 91-92; *I.C.J. Yearbook 1966-1967*, p. 87; *I.C.J. Yearbook 1967-1968*, pp. 87-92; *I.C.J. Yearbook 1968-1969*, pp. 108-112; *I.C.J. Yearbook 1969-1970*, pp. 113-115; *I.C.J. Yearbook 1970-1971*, pp. 109-113; *I.C.J. Yearbook 1971-1972*, pp. 123-125; *I.C.J. Yearbook 1972-1973*, pp. 136-143; *I.C.J. Yearbook 1973-1974*, pp. 125-129; *I.C.J. Yearbook 1974-1975*, pp. 120-123; *I.C.J. Yearbook 1975-1976*, pp. 118-123; *I.C.J. Yearbook 1976-1977*, pp. 113-114; *I.C.J. Yearbook 1977-1978*, pp. 111-119; *I.C.J. Yearbook 1978-1979*, pp. 124-131; *I.C.J. Yearbook 1979-1980*, pp. 125-129; *I.C.J. Yearbook 1980-1981*, pp. 133-137; *I.C.J. Yearbook 1981-1982*, pp. 141-147; *I.C.J. Yearbook 1982-1983*, pp. 125-126; *I.C.J. Yearbook 1983-1984*, pp. 140-141; *I.C.J. Yearbook 1984-1985*, pp. 173-184; *I.C.J. Yearbook 1985-1986*, pp. 164-172; *I.C.J. Yearbook 1986-1987*, pp. 158-163; *I.C.J. Yearbook 1987-1988*, pp. 146-151; *I.C.J. Yearbook 1988-1989*, pp. 159-164; *I.C.J. Yearbook 1989-1990*, pp. 157-162; *I.C.J. Yearbook 1990-1991*, pp. 174-182; *I.C.J. Yearbook 1991-1992*, pp. 198-204; *I.C.J. Yearbook 1992-1993*, pp. 242-248; *I.C.J. Yearbook 1993-1994*, pp. 209-216; *I.C.J. Yearbook 1994-1995*, pp. 199-206; *I.C.J. Yearbook 1995-1996*, pp. 224-240; *I.C.J. Yearbook 1996-1997*, pp. 197-202; *I.C.J. Yearbook 1997-1998*, pp. 249-272; *I.C.J. Yearbook 1998-1999*, pp. 288-309; *I.C.J. Yearbook 1999-2000*, pp. 262-274; *I.C.J. Yearbook 2000-2001*, pp. 299-314; *I.C.J. Yearbook 2001-2002*, pp. 290-301; and pp. 309-320 in Chapter VI, below.

(b) *Official communications*

In all cases submitted to the Court, communications and documents for the Court are delivered to the Registrar and he is the regular channel for communications or notifications from the Court (Rules, Art. 26, para. 1, and Art. 30; Instructions for the Registry, Arts. 3, 11 and 13).

Communications in a case which are intended for a State party thereto are sent to its agent at the Hague address it designates for the purpose (Rules, Art. 40, para. 1).

For communications with other States, the Registrar requests the foreign ministers of States entitled to appear before the Court to indicate the channel through which their governments would wish to receive such communications. The channel of communication indicated is usually the Embassy in The Hague or the Ministry of Foreign Affairs of the State in question.

For public international organizations, the Registrar addresses the communications of the Court to the Director-General or Secretary-General of the organization as the case may be.

(c) *Minutes*

The Registrar is present at all sittings and meetings of the Court and is responsible for drawing up the minutes. After being signed by the President and the Registrar, these minutes are filed in the archives (Statute, Art. 47; Rules, Art. 21, Art. 26, para. 1 *(f)-(i)*, and Art. 71; Instructions for the Registry, Art. 19).

(d) *General List*

The Registrar prepares and keeps up to date a General List of cases submitted to the Court (Rules, Art. 26, para. 1 *(b)*, and Art. 38, para. 5; Instructions for the Registry, Art. 6, para. 1, and Art. 46, para. 3).

Extracts from the General List are supplied by the Registry on request, in the form of *Background Notes II* and *II bis: Synopsis of cases referred to the International Court of Justice (1947-1969* and *1969-1976)*.

(For the General List of the *Permanent Court of International Justice*, see *P.C.I.J., Series E, No. 16*, pp. 92-147.)

2. *Procedure in Contentious Cases*

(a) *Institution of proceedings and appointment of agents*

As soon as proceedings are instituted (see Chap. III, pp. 115-118, above), the special agreement or the application, filed in one of the two official languages of the Court, is translated and printed in a bilingual edition by the Registry, then communicated to all concerned and to the States entitled to appear before the Court (Statute, Art. 40; Rules, Art. 38, paras. 4 and 5; Art. 39, para. 1, and Art. 42).

The Registrar arranges for the publication of a communiqué informing the general public and the press that proceedings have been instituted.

Copies of the special agreement or application may be obtained on request.

The party which files a document instituting proceedings informs the Court at the same time of the name of the agent who will be its representative in the proceedings and take steps on its behalf; the other party then appoints its agent as soon as possible (Statute, Art. 42; Rules, Art. 40; Practice Direction VIII). A party may also appoint a co-agent, a deputy-agent or an additional agent. Agents, and counsel and advocates also, enjoy such privileges and immunities as may be required for the independent exercise of their duties (Statute, Art. 42, para. 3; *I.C.J. Acts and Documents No. 5*, pp. 205 and 209).

The President, who is required to ascertain the views of the parties on questions of procedure, summons the agents to meet him as soon as possible after their appointment and whenever necessary thereafter (Rules, Art. 31).

At their first meeting with the Registrar the representatives of the Parties are given a *Note Containing Recommendations to the Parties*. That Note was made public in April 1998[1]. The Note was modified by the Court in December 2000 to expedite the proceedings on preliminary objections[2] and again in October 2001 to take into account the adoption of Practice Directions (see p. 3 above).

(b) *Written proceedings*

The written proceedings comprise the filing of pleadings within time-limits fixed in orders made by the Court or, if it is not sitting, the President; the pleadings are in principle confined to a Memorial and a Counter-Memorial, though the Court may if it thinks fit authorize or direct that there be a Reply and a Rejoinder (Statute, Art. 43; Rules, Arts. 44-46 and 48; Instructions for the Registry, Art. 14; Practice Direction I).

The party's submissions are set out in each pleading (Rules, Art. 49; Practice Direction II).

The agent of the party filing the pleading supplies the Registry (Statute, Art. 43, paras. 3 and 4; Rules, Arts. 50-52; Practice Directions III and IV) with the following:

- an original copy of the pleading, signed by him, to which is annexed a certified copy of any relevant document adduced in support of the contentions put forward;
- an English or French translation, certified by him to be accurate, of any part of a pleading or annexed document submitted in another language;
- a copy, certified by him, of the pleading and annexed documents, for communication to the other party;

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[1] See *I.C.J. Yearbook 1997-1998*, pp. 284-286, and I.C.J. Press Release 98/14.

[2] See *I.C.J. Yearbook 2000-2001*, p. 196.

- 125 further copies of the pleading and annexed documents (75 of which should be on paper, while 50 may be on CD-ROM);
- a diskette of any pleading prepared by electronic means;
- in the case of any document of which only parts are relevant and only necessary extracts have been annexed to the pleading, a copy of the whole document.

The format for the pleadings and annexes is 19 × 26 cm. If they are submitted in printed form, which is not compulsory, it is recommended that the Court's Typographical Rules (supplied by the Registry on request) be complied with.

The Registry usually translates, for the judges, pleadings and annexed documents, filed in one of the official languages of the Court, into the other official language (Rules, Art. 26, para. 1 *(g)*).

The Registrar arranges for the publication of communiqués giving information concerning the course of the written proceedings. Moreover, the Court may, after ascertaining the views of the parties, communicate the pleadings on request to any State entitled to appear before the Court. It may also, after ascertaining the parties' views, make the pleadings available to the general public and the press on or after the opening of the oral proceedings (Rules, Art. 53); this is generally done by depositing copies in a number of Information Centres and libraries, including the Peace Palace Library. The pagination of the pleadings and annexed documents which may thus be made accessible is provisional in character. They are not given their final pagination until they are published in the *I.C.J. Pleadings* series (see *(e)* below).

(c) *Oral proceedings*

Upon the closure of the written proceedings, a case is ready for hearing. The opening date of the oral proceedings is fixed by the Court or, if it is not sitting, the President (Rules, Art. 54). Public sittings are held at the seat of the Court, usually from 10 a.m. to 1 p.m. on weekdays. They are devoted to hearing the arguments of counsel and such evidence of witnesses or experts as the parties may call; the Court itself may also arrange for a witness to be heard, entrust any individual, body or organization with the task of giving an expert opinion or decide on an inspection *in loco*[1] (Statute, Arts. 43-46 and 48-51; Rules, Arts. 57-68; Instructions for the Registry, Art. 20; Practice Direction VI).

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[1] In the *Corfu Channel (United Kingdom* v. *Albania)* case, the Court heard witnesses and experts presented by each of the Parties, appointed experts by Order and prescribed an enquiry on the spot. In the *Temple of Preah Vihear (Cambodia* v. *Thailand)* case, it heard witnesses and experts presented by each of the Parties. In the *South West Africa (Ethiopia* v. *South Africa; Liberia* v. *South Africa)* cases, it heard witnesses and experts presented by one Party, but did not accede to a request concerning an inspection *in loco*. In *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)*, it heard an expert presented by one Party. The Chamber constituted in the *Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America)* case heard an expert presented by one Party and itself appointed, by Order, at the request of the Parties and in accordance with the Special Agreement concluded between

The Court settles the order in which the parties are heard, the number of counsel who will address the Court, and the method of handling the evidence (Rules, Art. 58, para. 2). It is customary for the parties to present their arguments in the order in which their pleadings have been deposited or, in the case of proceedings instituted by special agreement, in the order laid down by the Court after consultations with the agents of the parties. Speeches and statements are normally made in one of the Court's two official languages and are (simultaneously) interpreted into the other; arrangements may be made for some other language to be used (Statute, Art. 39; Rules, Art. 70; Instructions for the Registry, Art. 17).

When the Court or a judge puts a question to the agents, counsel and advocates, the answer may be given either immediately or within a time-limit fixed by the President; if given in writing it is communicated to the other party (Rules, Art. 61, paras. 2-4, and Art. 72).

A provisional verbatim record of each public sitting is drawn up by the Registry in the official language used, and translated into the other; copies in the original official language are then communicated to the parties and to the witnesses and experts in order that mistakes may be corrected under the supervision of the Court (Statute, Art. 47; Rules, Art. 71). A period of 24 hours is usually allowed for the submission of corrections.

In the course of the hearings each party reads out its final submissions and hands the Registrar copies of the text (Rules, Art. 60, para. 2). The filing of new documents after closure of the written proceedings is permissible only with the other party's consent or the authorization of the Court (Practice Direction IX); such documents must be filed in the same number of copies as the pleadings (see *(b)* above); the Registrar transmits them to the other party with a request for observations. No reference may be made to the contents of any document which has not been duly produced, unless the document is part of a publication readily available (Statute, Art. 52; Rules, Art. 56).

The Registrar issues communiqués giving all necessary information as to the dates of the hearings (Instructions for the Registry, Art. 12). Members of the diplomatic corps, representatives of the press and any person who comes to the Peace Palace on the occasion of a hearing are

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them, a technical expert to assist it in its work. In the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*, the Court heard experts presented by each of the Parties. In the case concerning *Military and Paramilitary Activities in and against Nicaragua (Nicaragua* v. *United States of America)* it heard witnesses presented by one Party. The Chamber constituted in the case concerning *Elettronica Sicula S.p.A. (ELSI) (United States of America* v. *Italy)* heard witnesses presented by one of the Parties and experts presented by each of them. In the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening)* the Court heard a witness presented by one of the Parties, but did not accede to a request concerning an inspection *in loco*. The Court did pay a visit to the site of the hydroelectric dam project at Gabčikovo-Nagymaros in the case concerning *Gabčíkovo-Nagymaros Project (Hungary/Slovakia)*.

welcome to attend. Photographs may be taken for a few minutes at the opening of hearings. Filming for cinema or television purposes is allowed. There is a Press Room within the Peace Palace. As soon as the provisional, uncorrected verbatim records of each hearing have been duplicated they are made available to representatives of the press, though neither the text nor the pagination is final at that stage (see *(e)* below).

(d) *Deliberations*

After the close of the oral proceedings, the Court withdraws to deliberate in private and to prepare a judgment. The deliberations of the Court are conducted *in camera* and remain confidential. This applies to all aspects of the deliberations, including the schedule of meetings (Statute, Arts. 54-55; Rules, Arts. 19-21; Instructions for the Registry, Art. 16).

The manner in which the Court conducts its deliberations is governed by a resolution concerning the internal judicial practice of the Court, the most recent version of which was adopted on 12 April 1976 (see *I.C.J. Acts and Documents No. 5*, pp. 165-173).

(e) *Judgment*

The judgment is read out at a public sitting for which similar arrangements are made as for a hearing in open court, in particular with regard to the admission of the public and the assistance provided to representatives of the press (see *(c)* above).

The judgment is prepared in both official languages, of which one is indicated as authoritative (Statute, Art. 39; Rules, Art. 96). If it does not represent in whole or in part the unanimous opinion of the judges, any judge is entitled to attach a dissenting or separate opinion, or a declaration which records his position without stating his reasons; the judgment indicates the names of the judges constituting the majority (Statute, Arts. 56-58; Rules, Arts. 94 and 95).

Three original copies of the judgment are signed by the President and the Registrar and are then sealed; one is placed in the archives of the Court and the others are handed to the parties (Rules, Art. 95, para. 3; Instructions for the Registry, Art. 21).

Immediately after the public reading, copies of a special duplicated *tirage* are placed at the disposal of the judges and the representatives of the parties. At the same time an unofficial communiqué summarizing the decision is issued on the authority of the Registrar.

As soon as possible, the printed text of the judgment becomes available as a separate fascicle in the *I.C.J. Reports* series, which is sent to States entitled to appear before the Court and is placed on sale. Subsequently, the documentation of the case is published in one or more printed volumes of the series entitled *I.C.J. Pleadings, Oral Arguments, Documents*. It is these printed texts (see Chap. VII, pp. 352-365, below) which should be used for all purposes of quotation or citation.

(f) *Expenses and costs*

The expenses of the Court, including amounts payable to witnesses or experts appearing at the instance of the Court (Rules, Art. 68; Instructions for the Registry, Art. 18), are borne out of the United Nations budget; if a party to a case does not contribute to the United Nations budget, the Court itself fixes the amount payable by that party as a contribution towards the expenses of the Court for the case (see Chap. VIII, p. 379, below).

Each party bears its own costs, unless the Court makes an order in favour of a party for the payment of the costs (Statute, Art. 64; Rules, Art. 95, para. 1, and Art. 97).

In addition, there exists a Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice, established on 1 November 1989[1]. The Fund is designed to encourage States to settle their disputes peaceably by submitting them to the Court. To be eligible for funding, a State must be entitled to appear before the Court (see Chap. III, pp. 107-114, for an explanation of which States are so entitled) and demonstrate a need for financial assistance. In addition, the dispute must be submitted to the Court by Special Agreement.

3. *Occasional Rules in Contentious Cases*

(a) *Provisional measures*

The Court has the power to indicate provisional measures (Statute, Art. 41). A request for such measures is treated as a matter of urgency, and the Court's decision is given in an order (Rules, Arts. 73-78)[2].

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[1] Cf. United Nations doc. A/44/PV.43 (1989).

[2] Such provisional measures have been requested in the following 34 cases: *Anglo-Iranian Oil Co.* (*United Kingdom* v. *Iran*); *Interhandel* (*Switzerland* v. *United States of America*); *Fisheries Jurisdiction* (*United Kingdom* v. *Iceland*) (*Federal Republic of Germany* v. *Iceland*); *Nuclear Tests* (*Australia* v. *France*) (*New Zealand* v. *France*); *Trial of Pakistani Prisoners of War* (*Pakistan* v. *India*); *Aegean Sea Continental Shelf* (*Greece* v. *Turkey*); *United States Diplomatic and Consular Staff in Tehran* (*United States of America* v. *Iran*); *Military and Paramilitary Activities in and against Nicaragua* (*Nicaragua* v. *United States of America*); *Frontier Dispute* (*Burkina Faso/Republic of Mali*) (case referred to a Chamber); *Border and Transborder Armed Actions* (*Nicaragua* v. *Honduras*) (in this case the request was withdrawn); *Arbitral Award of 31 July 1989* (*Guinea-Bissau* v. *Senegal*); *Passage through the Great Belt* (*Finland* v. *Denmark*); *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie* (*Libyan Arab Jamahiriya* v. *United Kingdom*) (*Libyan Arab Jamahiriya* v. *United States of America*); *Application of the Convention on the Prevention and Punishment of the Crime of Genocide* (*Bosnia and Herzegovina* v. *Serbia and Montenegro*) (in this case two requests were made by Bosnia and Herzegovina and one by Serbia and Montenegro; *Land and Maritime Boundary between Cameroon and Nigeria* (*Cameroon* v. *Nigeria*); *Request for an Examination of the Situation in Accordance with Paragraph 63 of the Court's Judgment of 20 December 1974 in the Nuclear Tests* (New Zealand v. France) *Case*; *Vienna Convention on Consular Relations* (*Paraguay* v. *United States of America*); *LaGrand* (*Germany* v. *United States of America*); in the ten cases concerning *Legality of Use of Force* (*Serbia and Montenegro* v. *Belgium*) (*Serbia and Montenegro* v. *Canada*) (*Serbia and Montenegro* v. *France*) (*Serbia and Montenegro* v. *Germany*) (*Serbia and Montenegro* v. *Italy*) (*Serbia and Montenegro* v. *Netherlands*) (*Serbia and Montenegro* v. *Portugal*) (*Yugoslavia* v. *Spain*) (*Serbia and Montenegro* v. *United*

(b) *Joinder of proceedings*

The Court may direct that the proceedings in two or more cases be joined (Rules, Art. 47). It does this by means of an order[1].

(c) *Preliminary objections*

Preliminary objections (see Chap. III, p. 117, above) must be filed as soon as possible, and not later than three months after the delivery of the Memorial (Rules, Art. 79). Notwithstanding that provision the Court, following the submission of the application in a case and after the President has met and consulted with the parties, may decide that any questions of jurisdiction and admissibility shall be determined separately. Where the Court so decides, the parties shall submit any pleadings as to jurisdiction and admissibility within the time-limits fixed by the Court and in the order determined by it. Preliminary objections suspend the proceedings on the merits and may be answered by the observations and submissions of the opposing party, to be filed within a time-limit fixed by an order. In accordance with Practice Direction V, this time-limit should generally not exceed four months. Oral proceedings on the objections ensue, the party which raised them being called upon to speak first. The Court gives its decision on the objections in a judgment; if it dismisses them, the proceedings on the merits are resumed from the point of interruption; they are likewise resumed if it declares that the objections do not possess an exclusively preliminary character[2]. The Court may also

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Kingdom) (*Yugoslavia* v. *United States of America*); *Armed Activities on the Territory of the Congo* (*Democratic Republic of the Congo* v. *Uganda*); *Arrest Warrant of 11 April 2000* (*Democratic Republic of the Congo* v. *Belgium*); *Armed Activities on the Territory of the Congo* (*New Application: 2002*) (*Democratic Republic of the Congo* v. *Rwanda*); *Avena and Other Mexican Nationals* (*Mexico* v. *United States of America*); and *Certain Criminal Proceedings in France* (*Republic of the Congo* v. *France*).

[1] Proceedings were joined in the following cases: *South West Africa* (*Ethiopia* v. *South Africa; Liberia* v. *South Africa*); *North Sea Continental Shelf* (*Federal Republic of Germany/Denmark; Federal Republic of Germany/Netherlands*).

[2] The Court gave its decision on the preliminary objections raised in the following 22 cases: *Corfu Channel* (*United Kingdom* v. *Albania*); *Ambatielos* (*Greece* v. *United Kingdom*); *Anglo-Iranian Oil Co.* (*United Kingdom* v. *Iran*); *Nottebohm* (*Liechtenstein* v. *Guatemala*); *Monetary Gold Removed from Rome in 1943* (*Italy* v. *France, United Kingdom and United States of America*); *Certain Norwegian Loans* (*France* v. *Norway*); *Right of Passage over Indian Territory* (*Portugal* v. *India*); *Interhandel* (*Switzerland* v. *United States of America*); *Aerial Incident of 27 July 1955* (*Israel* v. *Bulgaria*); *Temple of Preah Vihear* (*Cambodia* v. *Thailand*); *South West Africa* (*Ethiopia* v. *South Africa; Liberia* v. *South Africa*); *Northern Cameroons* (*Cameroon* v. *United Kingdom*); *Barcelona Traction, Light and Power Company, Limited* (*New Application: 1962*) (*Belgium* v. *Spain*); *Elettronica Sicula S.p.A.* (*ELSI*) (*United States of America* v. *Italy*); *Certain Phosphate Lands in Nauru* (*Nauru* v. *Australia*); *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie* (*Libyan Arab Jamahiriya* v. *United Kingdom*) (*Libyan Arab Jamahiriya* v. *United States of America*); *Oil Platforms* (*Islamic Republic of Iran* v. *United States of America*); *Application of the Convention on the Prevention and Punishment of the Crime of Genocide* (*Bosnia and Herzegovina* v. *Serbia and Montenegro*); *Land and Maritime Boundary between Cameroon and Nigeria* (*Cameroon* v. *Nigeria*); and *Aerial Incident of 10 August 1999* (*Pakistan* v. *India*). Each of the respondent States in the cases concerning *Legality of Use of Force*

give effect to an agreement between the parties that objections should be heard and determined within the framework of the merits[1].

(d) *Counter-claims*

Counter-claims may be presented if they are directly connected with the subject-matter of the claim of the other party and come within the jurisdiction of the Court. They are to be made by a party in its Counter-Memorial, as part of the submissions. In case of doubt, it is for the Court to decide whether a counter-claim is admissible and shall form part of the proceedings (Rules, Art. 80)[2].

(*Serbia and Montenegro* v. *Belgium*) (*Serbia and Montenegro* v. *Canada*) (*Serbia and Montenegro* v. *France*) (*Serbia and Montenegro* v. *Germany*) (*Serbia and Montenegro* v. *Italy*) (*Serbia and Montenegro* v. *Netherlands*) (*Serbia and Montenegro* v. *Portugal*) (*Serbia and Montenegro* v. *United Kingdom*) raised preliminary objections of lack of jurisdiction and admissibility. In other cases the Court was not called upon to give a decision on the preliminary objections, either because they were withdrawn (*Rights of Nationals of the United States of America in Morocco* (*France* v. *United States of America*)) or as the result of a discontinuance (*Aerial Incident of 27 July 1955* (*United States of America* v. *Bulgaria*); *Barcelona Traction, Light and Power Company, Limited* (first application) (*Belgium* v. *Spain*); *Compagnie du Port, des Quais et des Entrepôts de Beyrouth and Société Radio-Orient* (*France* v. *Lebanon*); *Aerial Incident of 3 July 1988* (*Islamic Republic of Iran* v. *United States of America*); *Armed Activities on the Territory of the Congo* (*Democratic Republic of the Congo* v. *Burundi*) (*Democratic Republic of the Congo* v. *Rwanda*)). The Court also dealt with questions of jurisdiction or admissibility in the following 13 cases: *Appeal Relating to the Jurisdiction of the ICAO Council* (*India* v. *Pakistan*); *Fisheries Jurisdiction* (*United Kingdom* v. *Iceland*) (*Federal Republic of Germany* v. *Iceland*); *Nuclear Tests* (*Australia* v. *France*) (*New Zealand* v. *France*); *Aegean Sea Continental Shelf* (*Greece* v. *Turkey*); *United States Diplomatic and Consular Staff in Tehran* (*United States of America* v. *Iran*); *Military and Paramilitary Activities in and against Nicaragua* (*Nicaragua* v. *United States of America*); *Border and Transborder Armed Actions* (*Nicaragua* v. *Honduras*); *Maritime Delimitation and Territorial Questions between Qatar and Bahrain* (*Qatar* v. *Bahrain*); *East Timor* (*Portugal* v. *Australia*); *Fisheries Jurisdiction* (*Spain* v. *Canada*); and *LaGrand* (*Germany* v. *United States of America*). The Court did not deal with questions of jurisdiction or admissibility raised in the case concerning the *Trial of Pakistani Prisoners of War* (*Pakistan* v. *India*).

[1] This was done in the cases concerning *Elettronica Sicula S.p.A. (ELSI)* (*United States of America* v. *Italy*) and *East Timor* (*Portugal* v. *Australia*). Preliminary objections were joined to the merits under the pre-1972 Rules of Court after agreement between the Parties in the case concerning *Certain Norwegian Loans* (*France* v. *Norway*) and by decision of the Court in the following two cases: *Right of Passage over Indian Territory* (*Portugal* v. *India*); *Barcelona Traction, Light and Power Company, Limited* (*New Application: 1962*) (*Belgium* v. *Spain*).

[2] Counter-claims were made by the respondent States, and admitted by the Court, in the cases concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide* (*Bosnia and Herzegovina* v. *Serbia and Montenegro*); *Oil Platforms* (*Islamic Republic of Iran* v. *United States of America*); *Land and Maritime Boundary between Cameroon and Nigeria* (*Cameroon* v. *Nigeria*); and *Armed Activities on the Territory of the Congo* (*Democratic Republic of the Congo* v. *Uganda*). During the period under review, the Court has placed on record the withdrawal of the counter-claims submitted by the respondent State in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide* (*Bosnia and Herzegovina* v. *Serbia and Montenegro*).

(e) *Intervention, presentation of information*

A third State may request to be permitted to intervene if it considers that it has an interest of a legal nature which may be affected by the decision in the case; it is for the Court to decide upon such a request (Statute, Art. 62; Rules, Arts. 81 and 83-85)[1].

If the dispute relates to the construction of a convention to which States other than those concerned in the case are parties, these States are notified forthwith and have the right to intervene in the proceedings (Statute, Art. 63; Rules, Arts. 43, 82-84 and 86)[2].

Similarly, public international organizations may, at the request of the Court or a party or on their own initiative, furnish the Court with information relevant to cases before it; whenever the construction of their constituent instruments or of a convention adopted thereunder is in question, they are notified (Statute, Art. 34, paras. 2 and 3; Rules, Art. 69).

(f) *Default, settlement, discontinuance*

If one of the parties does not appear before the Court or fails to defend its case, the other party may call upon the Court to decide in favour of its claim (Statute, Art. 53)[3].

The Court, or the President if the Court is not sitting, may, by way of an order, officially record the conclusion of a settlement or a discontinuance (Rules, Arts. 88 and 89)[1].

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[1] Applications for permission to intervene were submitted in the *Nuclear Tests* cases *(Australia* v. *France) (New Zealand* v. *France)*, in the cases concerning the *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)* and the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*; in the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras)*; in the *Request for an Examination of the Situation in Accordance with Paragraph 63 of the Court's Judgment of 20 December 1974 in the* Nuclear Tests (New Zealand *v.* France) *Case*. (In that case, several States filed a document entitled "Application for Permission to Intervene under Article 62/Declaration of Intervention under Article 63"); in the case concerning the *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon* v. *Nigeria)* and in the case concerning *Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia)*.

[2] A third State intervened in the *Haya de la Torre (Colombia* v. *Peru)* case and a Declaration of Intervention was submitted in the case concerning *Military and Paramilitary Activities in and against Nicaragua (Nicaragua* v. *United States of America)*. (See also footnote 1 above.)

[3] A number of judgments and orders were delivered in the absence of one of the parties: *Corfu Channel (United Kingdom* v. *Albania), Assessment of Amount of Compensation; Anglo-Iranian Oil Co. (United Kingdom* v. *Iran), Interim Protection; Nottebohm (Liechtenstein* v. *Guatemala), Preliminary Objection; Fisheries Jurisdiction (United Kingdom* v. *Iceland) (Federal Republic of Germany* v. *Iceland), Interim Protection, Jurisdiction of the Court* and *Merits; Nuclear Tests (Australia* v. *France) (New Zealand* v. *France), Interim Protection* and *Second Phase; Trial of Pakistani Prisoners of War (Pakistan* v. *India), Interim Protection; Aegean Sea Continental Shelf (Greece* v. *Turkey), Interim Protection* and *Jurisdiction of the Court; United States Diplomatic and Consular Staff in Tehran (United States of America* v. *Iran), Provisional Measures* and *Merits; Military and Paramilitary Activities in and against Nicaragua (Nicaragua* v. *United States of America), Merits; Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar* v. *Bahrain), Jurisdiction and Admissibility.*

(g) *Execution, interpretation or revision of judgments*

The judgments of the Court are binding, final and without appeal (Charter, Art. 94, para. 1; Statute, Arts. 59-60; Rules, Art. 94, para. 2). The parties may, however, make a request for interpretation or, in certain circumstances, for revision of a judgment (see above, Chap. III, pp. 117-118). The decision of the Court on such requests is given in the form of a judgment (Statute, Arts. 60-61; Rules, Arts. 98-100)[2,3].

Article 94, paragraph 2, of the Charter of the United Nations states that, if any party to a case fails to perform the obligations incumbent upon it under a judgment, the other party may have recourse to the Security Council.

(h) *Special reference to the Court*

When a matter which has been the subject of proceedings before some other international body is brought before the Court, the provisions of the Statute and of the Rules apply (Rules, Art. 87)[4].

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[1] The following 14 cases ended in discontinuance: *Protection of French Nationals and Protected Persons in Egypt* (*France* v. *Egypt*); *Electricité de Beyrouth Company* (*France* v. *Lebanon*); *Aerial Incident of 27 July 1955* (*United States of America* v. *Bulgaria*) (*United Kingdom* v. *Bulgaria*); *Barcelona Traction, Light and Power Company, Limited* (*Belgium* v. *Spain*) (first application); *Compagnie du Port, des Quais et des Entrepôts de Beyrouth and Société Radio-Orient* (*France* v. *Lebanon*); *Trial of Pakistani Prisoners of War* (*Pakistan* v. *India*); *Border and Transborder Armed Actions* (*Nicaragua* v. *Costa Rica*); *Border and Transborder Armed Actions* (*Nicaragua* v. *Honduras*); *Passage through the Great Belt* (*Finland* v. *Denmark*); *Certain Phosphate Lands in Nauru* (*Nauru* v. *Australia*); *Maritime Delimitation between Guinea-Bissau and Senegal* (*Guinea-Bissau* v. *Senegal*); *Aerial Incident of 3 July 1988* (*Islamic Republic of Iran* v. *United States of America*); *Vienna Convention on Consular Relations* (*Paraguay* v. *United States of America*); and *Armed Activities on the Territory of the Congo* (*Democratic Republic of the Congo* v. *Burundi*) (*Democratic Republic of the Congo* v. *Rwanda*). Furthermore, the cases concerning *United States Diplomatic and Consular Staff in Tehran* (*United States of America* v. *Iran*) and *Military and Paramilitary Activities in and against Nicaragua* (*Nicaragua* v. *United States of America*) ended in discontinuance as regarded the question of reparation which the Judgment had left to be settled.

[2] The Court gave a decision on a request for interpretation of its Judgment in the case concerning *Asylum* (*Colombia/Peru*) and of its Judgment on preliminary objections in the case concerning the *Land and Maritime Boundary between Cameroon and Nigeria*. See also p. 118, footnotes 1 and 2, above.

[3] The Court gave a decision on an application for revision and interpretation submitted by Tunisia in connection with its Judgment in the case concerning the *Continental Shelf* (*Tunisia/Libyan Arab Jamahiriya*) and an application for revision submitted by Yugoslavia in connection with its Judgment of 11 July 1996 on preliminary objections in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide* (*Bosnia and Herzegovina* v. *Yugoslavia*).

[4] The Court was seised of an *Appeal Relating to the Jurisdiction of the ICAO Council* (*India* v. *Pakistan*) in the case of that name.

4. Procedure in Advisory Cases

In addition to the Rules of Court which are expressly applicable to proceedings in regard to advisory opinions, the Court is guided by the provisions which apply in contentious proceedings (Statute, Art. 68; Rules, Art. 102). It may thus be led to apply the articles of the Statute concerning judges *ad hoc* (see Chap. I, pp. 15-22, above).

The practical information given concerning the course of the procedure in contentious cases (see under 2, above) applies *mutatis mutandis* to the procedure in regard to advisory opinions, in particular as regards arrangements for the public and the representatives of the press.

(a) *Request*

Notice of a request for an advisory opinion (see Chap. III, pp. 118-120, above) is addressed to the Court by the Secretary-General of the United Nations or the chief administrative officer of the organization authorized to make the request; all documents likely to throw light upon the question are to be transmitted at the same time as the request or as soon as possible thereafter (Statute, Art. 65, para. 2; Rules, Art. 104).

Notice of the request for an advisory opinion is given to all States entitled to appear before the Court (Statute, Art. 66, para. 1).

In addition, the Court gives the States and international organizations considered likely to be able to furnish information on the question an opportunity to submit their views in writing or orally, or both (Statute, Art. 66, paras. 2-4).

(b) *Written and oral proceedings*

A request for an opinion usually gives rise to written proceedings followed by oral proceedings (Statute, Art. 66; Rules, Arts. 105 and 106).

In the case of urgency, the Court takes all necessary steps to accelerate the procedure (Rules, Art. 103)[1].

(c) *Deliberations*

The deliberations are conducted in the same manner as in contentious cases (Rules, Arts. 19-21 and 107; resolution concerning the Internal Judicial Practice of the Court, Art. 10).

(d) *Advisory opinion*

The advisory opinion is read in open Court; if it does not represent in whole or in part the unanimous opinion of the judges, any judge is entitled to attach a dissenting or separate opinion, or a declaration which records his position without stating his reasons; the advisory opinion indicates the names of the judges constituting the majority (Statute, Art. 67; Rules, Arts. 107 and 108).

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[1] The Court decided to accelerate the procedure in accordance with Article 103 of the Rules in the case concerning the *Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947*.

One of the original copies of the advisory opinion is transmitted to the body which made the request (Rules, Art. 109).

The opinions given by the Court are purely advisory in character. The body requesting the opinion may however be committed to accepting it as binding by the terms of the instrument under which it is authorized to request advisory opinions of the Court.

IV. OCCASIONAL FUNCTIONS ENTRUSTED TO THE PRESIDENT OF THE INTERNATIONAL COURT OF JUSTICE

1. International Instruments Providing for Appointment of Arbitrators, etc.

There are many international instruments which provide that in certain eventualities the President of the Court may be requested by the contracting parties to appoint arbitrators, umpires, members of conciliation commissions, etc. Requests of this sort have always been acceded to.

States proposing to insert such a provision in a treaty may consult the President as to his willingness to accept such a task, and submit the draft provision to him. This frequently provides that, if the President is of the nationality of one of the parties to the dispute, the appointment should be made either by the Vice-President or by the senior Member of the Court not so disqualified.

Such a provision is found, for instance, in bilateral agreements relating to air transport, social security, reparations or guarantees, loans, technical co-operation and the protection of investments; in multilateral treaties; in conventions or agreements concerning the constitution, status or privileges and immunities of international organizations; and in agreements or contracts concluded between States and international organs.

2. Other Requests for Appointment of Arbitrators

The President of the Court is sometimes requested to appoint arbitrators under the terms of contracts concluded between a State and a corporation or between corporations. Such requests are generally acceded to.

In such cases, too, the usual practice is to consult the President in advance and to submit the draft contract to him. It is usually provided that if the President is of the same nationality as one of the parties to the contract, the appointment should be made either by the Vice-President or by the senior Member of the Court not so disqualified.

3. *Other Appointments*

The President has also at times been requested by States or international organizations to appoint persons to fill other offices.

Such appointments are, for instance, provided for in texts such as Article 12 of the Protocol of 23 June 1953 for limiting and regulating the cultivation of the poppy plant, the production of, international and wholesale trade in, and use of opium, or Article 4 of the Regulations for the execution of the Convention of 14 May 1954 for the protection of cultural property in the event of armed conflict or, again, Rule 109.1 *(a)* of the Staff Rules of the United Nations and Regulation 9.1.1 of the Staff Regulations of the United Nations Educational, Scientific and Cultural Organization.

CHAPTER VI

WORK OF THE COURT IN 2002-2003

During the period under review 28 contentious cases were pending, 25 of which remain so.

Over this period the Court was seised of four new cases: (*a*) *Application for Revision of the Judgment of 11 September 1992 in the Case concerning the* Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening) (*El Salvador* v. *Honduras*), (*b*) *Avena and Other Mexican Nationals* (*Mexico* v. *United States of America*), (*c*) *Certain Criminal Proceedings in France* (*Republic of the Congo* v. *France*) and (*d*) *Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge* (*Malaysia/Singapore*).

A request for the indication of provisional measures was made by the applicant State in the case concerning *Avena and Other Mexican Nationals* (*Mexico* v. *United States of America*) and in the case of *Certain Criminal Proceedings in France* (*Republic of the Congo* v. *France*).

In each of the cases concerning *Ahmadou Sadio Diallo* (*Republic of Guinea* v. *Democratic Republic of the Congo*), *Application of the Convention on the Prevention and Punishment of the Crime of Genocide* (*Croatia* v. *Serbia and Montenegro*[1]), and *Territorial and Maritime Dispute* (*Nicaragua* v. *Colombia*), the respondent State submitted preliminary objections to the jurisdiction of the Court and the admissibility of the Application.

The Court held public hearings in the cases concerning *Oil Platforms* (*Islamic Republic of Iran* v. *United States of America*), *Application for Revision of the Judgment of 11 July 1996 in the Case concerning* Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina *v.* Yugoslavia), Preliminary Objections (*Yugoslavia* v. *Bosnia and Herzegovina*), *Avena and Other Mexican Nationals* (*Mexico* v. *United States of America*) and *Certain Criminal Proceedings in France* (*Republic of the Congo* v. *France*). It further held a great number of private meetings.

The Court rendered Judgments in the cases concerning the *Land and Maritime Boundary between Cameroon and Nigeria* (*Cameroon* v. *Nigeria: Equatorial Guinea intervening*), *Sovereignty over Pulau Ligitan and Pulau Sipadan* (*Indonesia/Malaysia*) and *Application for Revision of the Judgment of 11 July 1996 in the Case concerning* Application of the Convention on the Prevention and Punishment of the Crime of Genocide

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[1] See footnote 1, p. 110, above.

(Bosnia and Herzegovina v. Yugoslavia), Preliminary Objections (*Yugoslavia* v. *Bosnia and Herzegovina*). It made Orders on the requests for provisional measures in the cases concerning *Avena and Other Mexican Nationals (Mexico* v. *United States of America)* and *Certain Criminal Proceedings in France (Republic of the Congo* v. *France)*.

The Court further made, in each of the cases concerning the *Frontier Dispute (Benin/Niger)* and *Application for Revision of the Judgment of 11 September 1992 in the Case concerning the* Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening) *(El Salvador* v. *Honduras)*, an Order composing a chamber to treat of the case; in the same Order it fixed time-limits for the proceedings. It further made Orders authorizing the submission of certain pleadings and fixing time-limits for their filing in the cases concerning *Ahmadou Sadio Diallo (Republic of Guinea* v. *Democratic Republic of the Congo)*, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia* v. *Serbia and Montenegro*[1]*)*, *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo* v. *Uganda)*, *Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic Republic of the Congo* v. *Rwanda)* and *Avena and Other Mexican Nationals (Mexico* v. *United States of America)*.

The President of the Court made Orders fixing or extending time-limits in the cases concerning *Avena and Other Mexican Nationals (Mexico* v. *United States of America)* and *Certain Criminal Proceedings in France (Republic of the Congo* v. *France)*.

I. CASES BEFORE THE COURT

1, 2. Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. *United Kingdom) (Libyan Arab Jamahiriya* v. *United States of America)*

On 3 March 1992, the Socialist People's Libyan Arab Jamahiriya filed two separate Applications instituting proceedings against the United Kingdom and the United States of America with regard to "dispute[s] . . . concerning the interpretation or application of the Montreal Convention" of 23 September 1971 for the Suppression of Unlawful Acts against the Safety of Civil Aviation.

In its Applications, Libya referred to charges made by the Lord Advocate of Scotland and an American Grand Jury against two Libyan nationals suspected of having caused the destruction of Pan Am Flight 103 over the town of Lockerbie, Scotland, on 21 December 1988, in which 270 people died. Following these charges, the United Kingdom and the United States had demanded that Libya surrender the alleged offenders for trial either in Scotland or in the United States and had seised the Security Council of the United Nations. Libya maintained that, by doing so, the United Kingdom and the United States had breached their legal obligations under the Montreal Convention and had to cease those breaches. It added that the Montreal Convention was the only instrument applicable to the destruction of the Pan Am aircraft over Lockerbie, that there was no other convention concerning international criminal law in force which was applicable to such issues between itself and the United Kingdom, nor between itself and the United States, and that, in accordance with the Montreal Convention, it was entitled to try the alleged offenders itself.

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[1] See footnote 1, p. 110, above.

On 3 March 1992, Libya also asked the Court to indicate provisional measures to prevent further action by the United Kingdom and the United States to compel it to surrender the alleged offenders before any examination of the merits of the cases. However, by Orders of 14 April 1992 (*I.C.J. Reports 1992*, pp. 3 and 114), the Court, referring to resolution 748 which had been adopted in the meantime by the Security Council under Chapter VII of the United Nations Charter, found that the circumstances were not such as to require the exercise of its power to indicate such measures.

By Orders of 19 June 1992 (*ibid.*, pp. 231 and 234), the Court fixed 20 December 1993 as the time-limit for the filing of Memorials by Libya and 20 June 1995 as the time-limit for the filing of Counter-Memorials by the United Kingdom and the United States.

After Libya had filed its Memorials within the prescribed time-limit, the United Kingdom and the United States, on 16 and 20 June 1995 respectively, filed preliminary objections to the Court's jurisdiction and to the admissibility of Libya's Applications. The proceedings on the merits were accordingly suspended (Article 79 of the Rules of Court). After Libya had presented written statements of its observations and submissions on the preliminary objections within the time-limit of 22 December 1995 fixed by the Court, public sittings were held from 13 to 22 October 1997. In two separate Judgments of 27 February 1998 (*I.C.J. Reports 1998*, pp. 9 and 115 respectively), on the preliminary objections, the Court found that there existed disputes between the Parties concerning the interpretation or application of the Montreal Convention and that it had jurisdiction to hear the disputes on the basis of Article 14, paragraph 1, of the Montreal Convention, which concerns the settlement of disputes over the interpretation or application of the provisions of the Convention. The Court also found the Libyan claims admissible and stated that it was not appropriate, at that stage of the proceedings, to make a decision on the arguments of the United Kingdom and the United States that resolutions of the United Nations Security Council had rendered these claims without object.

By Orders dated 30 March 1998 (*I.C.J. Reports 1998*, pp. 237 and 240), the Court fixed 30 December 1998 as the time-limit for the filing of the Counter-Memorials of the United Kingdom and of the United States. The time-limit was subsequently extended by the Senior Judge, Acting President of the Court, to 31 March 1999 at the request of the United Kingdom and of the United States. The Counter-Memorials were filed within the time-limit thus extended.

By Orders of 29 June 1999 (*I.C.J. Reports 1999*, pp. 975 and 979), the Court authorized the submission of Replies by Libya and Rejoinders by the United Kingdom and the United States, fixing 29 June 2000 as the time-limit for the filing of Libya's Replies. Libya's Replies were filed within the prescribed time-limit.

In its Orders of 29 June 1999, the Court had, however, fixed no date for the filing of the Rejoinders; the representatives of the respondent States had expressed the desire that no such date be fixed at that stage of the proceedings, "in view of the new circumstances consequent upon the transfer of the two accused to the Netherlands for trial by a Scottish court".

Subsequently, by Orders of 6 September 2000 (*I.C.J. Reports 2000*, pp. 140 and 143), the President of the Court, taking account of the views of the Parties, fixed 3 August 2001 as the time-limit for the filing of the Rejoinder of the United Kingdom and the United States respectively. The Rejoinders were filed within the prescribed time-limit.

3. *Oil Platforms (Islamic Republic of Iran* v. *United States of America)*

On 2 November 1992 the Islamic Republic of Iran filed an Application instituting proceedings against the United States of America in respect of a dispute concerning the destruction of three Iranian oil platforms. In its Application the Islamic Republic founded the jurisdiction of the Court on Article XXI, paragraph 2, of the Iran/United States Treaty of Amity, Economic Relations and Consular Rights, signed at Tehran on 15 August 1955 and which entered into force on 16 June 1957. Iran alleged that the destruction caused by a number of warships of the United States Navy, on 19 October 1987 and 18 April 1988, to three offshore oil production complexes, owned and operated for commercial purposes by the National Iranian Oil Company, constituted a fundamental breach of various provisions of the Treaty of Amity and of international law. Iran referred in particular to Article I of the Treaty which provides: "There shall be firm and enduring peace and sincere friendship between the United States of America and Iran." It also referred to Article X, paragraph 1, which provides: "Between the territories of the two High Contracting Parties there shall be freedom of commerce and navigation." At the end of its Application, the Islamic Republic accordingly requested the Court to adjudge and declare that "in attacking and destroying the oil platforms referred to in the [above-mentioned] Application on 19 October 1987 and 18 April 1988, the United States breached its obligations to the Islamic Republic"; that "in adopting a patently hostile and threatening attitude towards the Islamic Republic that culminated in the attack and destruction of the Iranian oil platforms, the United States breached the object and purpose of the Treaty of Amity, including Articles I and X (1), and international law"; and that "the United States [was] under an obligation to make reparations to the Islamic Republic for the violation of its international legal obligations in an amount to be determined by the Court at a subsequent stage of the proceedings."

By Orders of 4 December 1992 (*I.C.J. Reports 1992*, p. 763) and 3 June 1993 (*I.C.J. Reports 1993*, p. 35), the President of the Court fixed and extended the time-limits for the filing of the Memorial of Iran and of the Counter-Memorial of the United States. Iran's Memorial was filed within the extended time-limit of 8 June 1993.

On 16 December 1993, within the time-limit fixed for the filing of its Counter-Memorial, the United States of America filed a preliminary objection to the Court's jurisdiction; the proceedings on the merits were accordingly suspended (Article 79 of the Rules of Court). After the filing by Iran of a written statement on the preliminary objection within the time-limit of 1 July 1994 fixed by the Court's Order of 18 January 1994 (*I.C.J. Reports 1994*, p. 3), public hearings were held from 16 to 24 September 1996. By a Judgment of 12 December 1996 (*I.C.J. Reports 1996*, p. 803), the Court rejected the preliminary objection and found that it had jurisdiction, on the basis of Article XXI, paragraph 2, of the Treaty of 1955, to entertain the claims made by Iran under Article X, paragraph 1, of that Treaty.

Within the time-limit of 23 June 1997 fixed by the Court's Order of 16 December 1996 (*I.C.J. Reports 1996*, p. 902), the United States of America filed its Counter-Memorial together with a counter-claim, requesting the Court to adjudge and declare that

> "in attacking vessels, laying mines in the Gulf and otherwise engaging in military actions in 1987-88 that were dangerous and detrimental to maritime commerce, the Islamic Republic of Iran [had] breached its obligations to the United States under Article X of the 1955 Treaty",

and that

> "the Islamic Republic of Iran [was] accordingly under an obligation to make full reparation to the United States for violating the 1955 Treaty in a form and amount to be determined by the Court at a subsequent stage of the proceedings".

By a letter of 2 October 1997 Iran informed the Court of its position that the counter-claim as formulated by the United States did not meet the requirements of Article 80, paragraph 1, of the Rules of Court. After each Party had filed written observations, the Court, by an Order of 10 March 1998 (*I.C.J. Reports 1998*, p. 190), found that the counter-claim presented by the United States in its Counter-Memorial was admissible as such and formed part of the proceedings.

Iran filed a Reply within the extended time-limit of 10 March 1999 and the United States of America filed a Rejoinder within the extended time-limit of 23 March 2001. Iran was moreover authorized to file an additional pleading relating solely to the counter-claim and did so within the time-limit of 24 September 2001, as fixed by the Vice-President of the Court.

Public hearings on the merits of the case were held from 17 February to 7 March 2003. At the conclusion of those hearings the Parties presented their final submissions to the Court.

The Islamic Republic of Iran requested the Court to adjudge and declare:

> "1. That in attacking and destroying on 19 October 1987 and 18 April 1988 the oil platforms referred to in Iran's Application, the United States breached its obligations to Iran under Article X, paragraph 1, of the Treaty of Amity, and that the United States bears responsibility for the attacks; and
>
> 2. That the United States is accordingly under an obligation to make full reparation to Iran for the violation of its international legal obligations and the injury thus caused in a form and amount to be determined by the Court at a subsequent stage of the proceedings, the right being reserved to Iran to introduce and present to the Court in due course a precise evaluation of the reparation owed by the United States; and
>
> 3. Any other remedy the Court may deem appropriate."

and, with respect to the counter-claim of the United States of America: "That the United States counter-claim be dismissed."

The United States of America requested the Court to adjudge and declare:

> "(1) That the United States did not breach its obligations to the Islamic Republic of Iran under Article X, paragraph 1, of the 1955 Treaty between the United States and Iran; and
>
> (2) That the claims of the Islamic Republic of Iran are accordingly dismissed."

and, with respect to its counter-claim, that the Court adjudge and declare:

> "(1) Rejecting all submissions to the contrary, that, in attacking vessels in the Gulf with mines and missiles and otherwise engaging in military actions that were dangerous and detrimental to commerce and navigation between the territories of the United States and the Islamic Republic of Iran, the Islamic Republic of Iran breached its obligations to the United States under Article X, paragraph 1, of the 1955 Treaty; and
>
> (2) That the Islamic Republic of Iran is accordingly under an obligation to make full reparation to the United States for its breach of the 1955 Treaty in a form and amount to be determined by the Court at a subsequent stage of the proceedings."

At the time of the preparation of this *Yearbook*, the Court was deliberating its Judgment.

4. *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina* v. *Serbia and Montenegro*[1]*)*

On 20 March 1993, Bosnia and Herzegovina filed an Application instituting proceedings against Serbia and Montenegro (then known as the Federal Republic of Yugoslavia) in respect of a dispute concerning alleged violations of the Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the General Assembly of the United Nations on 9 December 1948 (hereinafter called the "Genocide Convention"). As the basis of the jurisdiction of the Court, Bosnia and Herzegovina invoked Article IX of that Convention.

In its Application, Bosnia and Herzegovina, among other claims, requested the Court to adjudge and declare that Serbia and Montenegro, through its agents and surrogates, "has killed, murdered, wounded, raped, robbed, tortured, kidnapped, illegally detained, and exterminated the citizens of Bosnia and Herzegovina", that it had to cease immediately this practice of so-called "ethnic cleansing" and pay reparations.

On 20 March 1993, Bosnia and Herzegovina also submitted a request for provisional measures. Public hearings were held on 1 and 2 April 1993, and by an Order dated 8 April 1993 (*I.C.J. Reports 1993*, p. 3) the Court indicated that Serbia and Montenegro "should immediately . . . take all measures within its power to prevent commission of the crime of genocide" and that both Serbia and Montenegro and Bosnia and Herzegovina "should not take any action and should ensure that no action is taken which may aggravate or extend the existing dispute . . . or render it more difficult of solution". The Court limited its provisional measures to requests falling within the jurisdiction conferred on it by the Genocide Convention.

On 27 July 1993 Bosnia and Herzegovina filed a second request for provisional measures, followed on 10 August 1993 by a request for provisional measures of Serbia and Montenegro. Public hearings were held on 25 and 26 August 1993, and by an Order dated 13 September 1993 (*I.C.J. Reports 1993*, p. 325) the Court reaffirmed the measures indicated earlier, adding that they should be immediately and effectively implemented.

On 5 August 1993 the President of the Court addressed a message to both Parties, referring to Article 74, paragraph 4, of the Rules of Court, which enables him, pending the meeting of the Court, "to call upon the parties to act in such a way as will enable any order the Court may make on the request for provisional measures to have its appropriate effects".

The Memorial of Bosnia and Herzegovina was filed within the extended time-limit of 15 April 1994.

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[1] See footnote 1, p. 110, above.

On 26 June 1995, within the extended time-limit for the deposit of its Counter-Memorial, Serbia and Montenegro filed preliminary objections to the jurisdiction of the Court and the admissibility of the Application; the proceedings on the merits were accordingly suspended (Article 79 of the Rules of Court). After Bosnia and Herzegovina had filed a written statement on the preliminary objections within the time-limit of 14 November 1995 fixed by the Court's Order of 14 July 1995 (*I.C.J. Reports 1995*, p. 279), public hearings were held between 29 April and 3 May 1996. On 11 July 1996 (*I.C.J. Reports 1996*, p. 595), the Court delivered its Judgment, rejecting the objections of Serbia and Montenegro; finding that, on the basis of Article IX of the Genocide Convention, it had jurisdiction to deal with the case; dismissing the additional basis of jurisdiction invoked by Bosnia and Herzegovina; and finding that the Application was admissible.

In the Counter-Memorial filed on 22 July 1997, Serbia and Montenegro submitted counter-claims requesting the Court to adjudge and declare that "Bosnia and Herzegovina [was] responsible for the acts of genocide committed against the Serbs in Bosnia and Herzegovina" and that it "ha[d] the obligation to punish the persons held responsible" for these acts. It also asked the Court to rule that "Bosnia and Herzegovina [was] bound to take necessary measures so that the said acts would not be repeated in future" and "to eliminate all consequences of the violation of the obligations established by the . . . [Genocide] Convention".

By a letter of 28 July 1997 Bosnia and Herzegovina informed the Court that

> "the Applicant [was] of the opinion that the Counter-Claim submitted by the Respondent . . . [did] not meet the criterion of Article 80, paragraph 1, of the Rules of Court and should therefore not be joined to the original proceedings".

After each Party had filed written observations, the Court, by an Order of 17 December 1997 (*I.C.J. Reports 1997*, p. 243), held that Serbia and Montenegro's counter-claims were "admissible as such" and that they formed "part of the current proceedings" in the case; the Court also directed the Parties to submit further written pleadings on the merits of their respective claims and fixed time-limits for the filing of a Reply by Bosnia and Herzegovina and of a Rejoinder by Serbia and Montenegro. Those time-limits having been extended at the request of each of the Parties, the Reply of Bosnia and Herzegovina was eventually filed on 23 April 1998 and the Rejoinder of Serbia and Montenegro on 22 February 1999. In these pleadings, each of the Parties contested the allegations made by the other.

Since then several exchanges of letters have taken place concerning new procedural difficulties in the case.

By an Order of 10 September 2001 (*I.C.J. Reports 2001*, p. 572) the President of the Court placed on record the withdrawal by Serbia and Montenegro of the counter-claims submitted by that State in its Counter-

Memorial. The Order was made after Serbia and Montenegro had informed the Court that it intended to withdraw its counter-claims and Bosnia and Herzegovina had indicated to the latter that it had no objection to that withdrawal.

5. Gabčíkovo-Nagymaros Project (Hungary/Slovakia)

On 2 July 1993, Hungary and Slovakia jointly notified to the Court a Special Agreement, signed between them on 7 April 1993, for the submission of certain issues arising out of differences regarding the implementation and the termination of the Budapest Treaty of 16 September 1977 on the construction and operation of the Gabčíkovo-Nagymaros barrage system.

In Article 2 of the Special Agreement:

> "(1) The Court is requested to decide on the basis of the Treaty and rules and principles of general international law, as well as such other treaties as the Court may find applicable,
>
> *(a)* whether the Republic of Hungary was entitled to suspend and subsequently abandon, in 1989, the works on the Nagymaros Project and on the part of the Gabčíkovo Project for which the Treaty attributed responsibility to the Republic of Hungary;
>
> *(b)* whether the Czech and Slovak Federal Republic was entitled to proceed, in November 1991, to the 'provisional solution' and to put into operation from October 1992 this system, described in the Report of the Working Group of Independent Experts of the Commission of the European Communities, the Republic of Hungary and the Czech and Slovak Federal Republic dated 23 November 1992 (damming up of the Danube at river kilometre 1851.7 on Czechoslovak territory and resulting consequences on water and navigation course);
>
> *(c)* what are the legal effects of the notification, on 19 May 1992, of the termination of the Treaty by the Republic of Hungary.
>
> (2) The Court is also requested to determine the legal consequences, including the rights and obligations for the Parties, arising from its Judgment on the questions in paragraph (1) of this Article."

Each of the Parties filed a Memorial, a Counter-Memorial and a Reply within the respective time-limits of 2 May 1994, 5 December 1994 and 20 June 1995, as fixed by the Court or its President.

Hearings in the case were held between 3 March and 15 April 1997. From 1 to 4 April 1997, the Court paid a site visit (the first ever in its history) to the Gabčíkovo-Nagymaros Project, by virtue of Article 66 of the Rules of Court.

In its Judgment of 25 September 1997 (*I.C.J. Reports 1997*, p. 7) the Court found that both Hungary and Slovakia had breached their legal obligations. It called on both States to negotiate in good faith in order to ensure the achievement of the objectives of the 1977 Budapest Treaty, which it declared was still in force, while taking account of the factual situation that had developed since 1989.

On 3 September 1998 Slovakia filed in the Registry of the Court a request for an additional Judgment in the case. Such an additional Judgment was necessary, according to Slovakia, because of the unwillingness of Hungary to implement the Judgment delivered by the Court in that case on 25 September 1997.

In its request, Slovakia stated that the Parties had conducted a series of negotiations on the modalities for executing the Court's Judgment and had initialled a draft Framework Agreement, which had been approved by the Government of Slovakia on 10 March 1998. Slovakia contended that on 5 March 1998 Hungary had postponed its approval and, upon the accession of its new Government following the May elections, it had proceeded to disavow the draft Framework Agreement and was further delaying the implementation of the Judgment. Slovakia maintained that it wanted the Court to determine the modalities for executing the Judgment.

As the basis for its request, Slovakia invoked Article 5 (3) of the Special Agreement signed at Brussels on 7 April 1993 by itself and Hungary with a view to the joint submission of their dispute to the Court.

Hungary filed a written statement of its position on the request for an additional Judgment made by Slovakia within the time-limit of 7 December 1998 fixed by the President of the Court.

The Parties subsequently have resumed negotiations and have informed the Court on a regular basis of the progress in them.

6. Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. *Nigeria: Equatorial Guinea intervening)*

On 29 March 1994, the Republic of Cameroon filed an Application instituting proceedings against the Federal Republic of Nigeria in a dispute concerning the question of sovereignty over the peninsula of Bakassi, and requesting the Court to determine the course of the maritime frontier between the two States in so far as that frontier had not already been established in 1975.

As a basis for the jurisdiction of the Court, the Application refers to the declarations made by Cameroon and Nigeria under Article 36, paragraph 2, of the Statute of the Court, by which they accept that jurisdiction as compulsory.

On 6 June 1994 Cameroon filed in the Registry of the Court an Additional Application "for the purpose of extending the subject of the dispute" to a further dispute described as relating essentially "to the question of sovereignty over a part of the territory of Cameroon in the area of Lake Chad", while also asking the Court to specify definitively the frontier between Cameroon and Nigeria from Lake Chad to the sea. Cameroon further requested the Court to join the two Applications "and to examine the whole in a single case".

By an Order of 16 June 1994 (*I.C.J. Reports 1994*, p. 105), the Court noted that Nigeria had no objection to the Additional Application being treated as an amendment to the initial Application, and accordingly fixed 16 March 1995 as the time-limit for the filing of a Memorial by Cameroon and 18 December 1995 as the time-limit for the filing of a Counter-Memorial by Nigeria. The Memorial of Cameroon was filed within the time-limit thus prescribed.

On 13 December 1995, within the time-limit for the filing of its Counter-Memorial, Nigeria raised preliminary objections to the jurisdiction of the Court and to the admissibility of Cameroon's claims. The proceedings on the merits were accordingly suspended (Article 79 of the Rules of Court) and the President of the Court fixed 15 May 1996 as the time-limit within which Cameroon had to present a written statement of its observations and submissions on those preliminary objections. That statement was filed within the time-limit thus prescribed.

On 12 February 1996, Cameroon requested the Court to indicate provisional measures after "serious armed incidents" had taken place between Cameroonian and Nigerian forces in the Bakassi Peninsula. Public hearings were held between 5 and 8 March 1996 and, on 15 March 1996, the Court made an Order (*I.C.J. Reports 1996*, p. 13), stating, *inter alia*, that

> "both Parties should ensure that no action of any kind, and particularly no action by their armed forces, is taken which might prejudice the rights of the other in respect of whatever judgment the Court may render in the case, or which might aggravate or extend the dispute before it".

After public hearings had been held from 2 to 11 March 1998, the Court, on 11 June 1998, delivered its Judgment (*I.C.J. Reports 1998*, p. 275), whereby it rejected seven of the preliminary objections raised by Nigeria and declared that an eighth one would have to be dealt with during the proceedings on the merits of the dispute. It further declared that it had jurisdiction in the case and found that Cameroon's Application of 29 March 1994, as amended by the Additional Application of 6 June 1994, was admissible. This Judgment formed the object of a request for interpretation by Nigeria, which, in separate proceedings, was declared inadmissible by a Judgment of 25 March 1999.

By an Order of 30 June 1998 (*I.C.J. Reports 1998*, p. 420), the Court, after ascertaining the views of the Parties, fixed 31 March 1998 as the time-limit for the filing of the Counter-Memorial of Nigeria. At the request of Nigeria this time-limit was extended to 31 May 1999 by an Order of 3 March 1999 (*I.C.J. Reports 1999*, p. 24).

Nigeria's Counter-Memorial was filed within the time-limit thus extended. It contained counter-claims, specified in Part VI. At the end of each section dealing with a particular sector of the frontier, the Nigerian Government asked the Court to declare that the incidents referred to "engage the international responsibility of Cameroon, with compensation in the form of damages, if not agreed between the parties, then to be awarded by the Court in a subsequent phase of the case".

By an Order of 30 June 1999 (*I.C.J. Reports 1999*, p. 983), the Court ruled that those counter-claims were "admissible as such and form[ed] part of the current proceedings". It decided that Cameroon should submit a Reply and Nigeria a Rejoinder, relating to the claims of both Parties, and fixed the time-limits for those pleadings at 4 April 2000 and 4 January 2001 respectively.

On 30 June 1999, Equatorial Guinea filed an Application for permission to intervene in the case, pursuant to Article 62 of the Statute, stating that the purpose of its intervention would be "to protect [its] legal rights in the Gulf of Guinea by all legal means" and "to inform the Court of Equatorial Guinea's legal rights and interests so that these may remain unaffected as the Court proceeds to address the question of the maritime boundary between Cameroon and Nigeria". Equatorial Guinea made it clear that it did not seek to intervene in those aspects of the proceedings that relate to the land boundary between Cameroon and Nigeria, nor to become a party to the case. The Court fixed 16 August 1999 as the time-limit for the filing of written observations by Cameroon and Nigeria on Equatorial Guinea's Application. In their written observations, filed within the time-limit thus prescribed, neither Cameroon nor Nigeria objected to the request for permission to intervene being granted.

By an Order of 21 October 1999 (*I.C.J. Reports 1999*, p. 1029), the Court authorized Equatorial Guinea to intervene in the case "to the extent, in the manner and for the purposes set out in its Application for permission to intervene". It fixed 4 April 2001 as the time-limit for the filing of a written statement by Equatorial Guinea and 4 July 2001 as the time-limit for the filing of written observations by Cameroon and by Nigeria on that statement. Those documents were filed within the time-limits thus prescribed.

In the above-mentioned Order of 30 June 1999, whereby it had found that the counter-claims submitted by Nigeria were admissible, the Court, after indicating that it considered it necessary for Cameroon to file a Reply and for Nigeria to file a Rejoinder, relating to the claims of both Parties, had added the following:

> "it is necessary moreover, in order to ensure equality between the Parties, to reserve the right of Cameroon to present, within a reasonable period of time, its views in writing a second time on the Nigerian counter-claims, in an additional pleading which may be the subject of a subsequent Order".

Upon a request by Cameroon and after Nigeria had indicated that it had no objection, the Court, by a further Order of 20 February 2001 (*I.C.J. Reports 2001*, p. 9), authorized the submission by Cameroon of such an additional pleading. It decided that the additional pleading, which would relate solely to the counter-claims submitted by Nigeria, should be filed no later than 4 July 2001. This pleading was filed within the time-limit thus prescribed.

Public hearings were held from 18 February to 21 March 2002. Pursuant to the Court's Order of 21 October 1999, permitting Equatorial Guinea to intervene in the case, that State presented its observations to the Court during the course of the hearings.

On 10 October 2002, the Court delivered its Judgment on the merits of the case (*I.C.J. Reports 2002*, p. 303), a summary of which is given below, followed by the text of the operative paragraph:

History of the proceedings and submissions of the Parties (paras. 1-29)

The Court begins by reciting the history of the proceedings and the submissions of the Parties.

Geographical context (para. 30)

The Court subsequently describes the geographical context of the dispute as follows.

Cameroon and Nigeria are States situated on the west coast of Africa. Their land boundary extends from Lake Chad in the north to the Bakassi Peninsula in the south. Their coastlines are adjacent and are washed by the waters of the Gulf of Guinea.

Four States border Lake Chad: Cameroon, Chad, Niger and Nigeria. The waters of the lake have varied greatly over time.

In its northern part, the land boundary between Cameroon and Nigeria passes through hot dry plains around Lake Chad, at an altitude of about 300 m. It then passes through mountains, cultivated high ground or pastures, watered by various rivers and streams. It then descends in stages to areas of savannah and forest until it reaches the sea.

The coastal region where the southern part of the land boundary ends is the area of the Bakassi Peninsula. This peninsula, situated in the hollow of the Gulf of Guinea, is bounded by the River Akwayafe to the west and by the Rio del Rey to the east. It is an amphibious environment, characterized by an abundance of water, fish stocks and mangrove vegetation. The Gulf of Guinea, which is concave in character at the level of the Cameroonian and Nigerian coastlines, is bounded by other States, in particular by Equatorial Guinea, whose Bioko Island lies opposite the Parties' coastlines.

Historical background (paras. 31-38)

The Court then observes that the dispute between the Parties as regards their land boundary falls within an historical framework marked initially, in the nineteenth and early twentieth centuries, by the actions of the European Powers with a view to the partitioning of Africa, followed by changes in the status of the relevant territories under the League of Nations mandate system, then the United Nations trusteeships, and finally by the territories' accession to independence. This history is reflected in a number of conventions and treaties, diplomatic exchanges, certain administrative acts, maps of the period and various documents, which have been supplied to the Court by the Parties.

The delimitation of the Parties' maritime boundary is an issue of more recent origin, the history of which likewise involves various international instruments.

The Court then gives some particulars of the principal instruments which are relevant for purposes of determining the course of the land and maritime boundary between the Parties.

*

Having described the geographical and historical background to the dispute, the Court addresses the delimitation of the different sectors of the boundary between Cameroon and Nigeria. It begins by defining the boundary line in the Lake Chad area. It then determines the line from Lake Chad to the Bakassi Peninsula, before examining the question of the boundary in Bakassi and of sovereignty over the peninsula. It then addresses the question of the delimitation between the two States' respective maritime areas. The last part of the Judgment is devoted to the issues of State responsibility raised by the Parties.

Delimitation of the boundary line in the Lake Chad area (paras. 40-70)

Since Cameroon and Nigeria disagree on the existence of a definitive delimitation in the Lake Chad area, the Court first examines whether the 1919 Milner-Simon Declaration and the subsequent instruments which bear on delimitation in this area have established a frontier that is binding on the Parties. The Court subsequently addresses the argument of Nigeria based on the historical consolidation of its claimed title.

Whether a frontier binding on the Parties has been established (paras. 41-55)

The Court recalls that Cameroon contends that the boundary in the Lake Chad area runs from the point designated by the co-ordinates 13°05′N and 14°05′E in a straight line to the mouth of the Ebeji. Cameroon regards the governing instruments as the Milner-Simon Declaration of 1919, and the Thomson-Marchand Declaration of 1929-1930, as incorporated in the 1931 Henderson-Fleuriau Exchange of Notes. Nigeria, on the other hand, argues that there is not a fully delimited boundary in the Lake Chad area and that, through historical consolidation of title and the acquiescence of Cameroon, Nigeria has title over the areas, including 33 named settlements, depicted in its Rejoinder.

The Court recalls that in the late nineteenth and early twentieth centuries the colonial boundaries in the Lake Chad area had been the subject of a series of bilateral agreements entered into between Germany, France and Great Britain. After the First World War a strip of territory to the east of the western frontier of the former German Cameroon became the British Mandate over the Cameroons. It was thus necessary to re-establish a boundary, commencing in the lake itself, between the newly created British and French mandates. This was achieved through the Milner-Simon Declaration of 1919, which has the status of an international agreement. By this Declaration, France and Great Britain agreed:

> "to determine the frontier, separating the territories of the Cameroons placed respectively under the authority of their Governments, as it is traced on the map Moisel 1:300,000, annexed to the present declaration and defined in the description in three articles also annexed hereto".

No definite tripoint in Lake Chad could be determined from previous instruments, on the basis of which it might be located either at 13° 00′ or at 13° 05′ north, whilst the meridian of longitude was described simply as situated "35′ east of the centre of Kukawa". These aspects were clarified and rendered more precise by the Milner-Simon Declaration, which provided:

> "The frontier will start from the meeting-point of the three old British, French and German frontiers situated in Lake Chad in latitude 13° 05′ N and in approximately longitude 14° 05′ E of Greenwich.
>
> Thence the frontier would be determined as follows:
>
> 1. A straight line to the mouth of the Ebeji; . . ."

The Moisel 1:300,000 map was stated to be the map "to which reference is made in the description of the frontier" and was annexed to the Declaration; a further map of the Cameroons, scale 1:2,000,000, was attached "to illustrate the description of the . . . frontier".

The Court observes that Article 1 of the Mandate conferred on Great Britain by the League of Nations confirmed the line specified in the Milner-Simon Declaration; the entitlement provided for in the mandate, to make by mutual agreement, modest alterations to the line, either by reason of any shown inaccuracies of the Moisel map or of the interests of the inhabitants, was already provided for in the Milner-Simon Declaration. This, together with the line itself, was approved by the Council of the League of Nations. In the Court's view, these provisions in no way suggest a frontier line that is not fully delimited. The Court further considers that "delimitation on the spot of this line . . . in accordance with the provisions of the said Declaration" is a clear reference to demarcation notwithstanding the terminology chosen. Also carried forward from the Milner-Simon Declaration was the idea of a boundary commission. The anticipated detailed demarcation by this Commission equally presupposes a frontier already regarded as essentially delimited.

Although the two Mandatory Powers did not in fact "delimit on the spot" in Lake Chad or the vicinity, they did continue in various sectors of the frontier to make the agreement as detailed as possible. Thus the Thomson-Marchand Declaration of 1929-1930, later approved and incorporated in the Henderson-Fleuriau Exchange of Notes of 1931, described the frontier separating the two mandated territories in considerably more detail than hitherto. The Court considers that the fact that this Declaration and Exchange of Notes were preliminary to the future task of demarcation by a boundary commission does not mean, as Nigeria claims, that the 1931 Agreement was merely "programmatic" in nature. The Court further points out that the Thomson-Marchand Declaration, as approved and incorporated in the Henderson-Fleuriau Exchange of Notes, has the status of an international agreement. It acknowledges that the Declaration does have some technical imperfections and that certain details remained to be specified. However, it finds that the Declaration provided for a delimitation that was sufficient in general for demarcation.

Despite the uncertainties in regard to the longitudinal reading of the tripoint in Lake Chad and the location of the mouth of the Ebeji, and while no demarcation had taken place in Lake Chad before the independence of Nigeria and of Cameroon, the Court is of the view that the governing instruments show that, certainly by 1931, the frontier in the Lake Chad area was indeed delimited and agreed by Great Britain and France. It, moreover, cannot fail to observe that Nigeria was consulted during the negotiations for its independence, and again during the plebiscites that were to determine the future of the populations of the Northern and Southern Cameroons. At no time did Nigeria suggest, either so far as the Lake Chad area was concerned, or elsewhere, that the frontiers there remained to be delimited.

The Court is further of the view that the work of the Lake Chad Basin Commission (LCBC), from 1983 to 1991, affirms such an interpretation. It is unable to accept Nigeria's contention that the LCBC was from 1983 to 1991 engaged in both delimitation and demarcation. The records show that, although the term "delimitation" was used from time to time, in introducing clauses or in agenda headings, it was the term "demarcation" that was most frequently used. Moreover, the nature of the work was that of demarcation. The Court observes in this respect that the LCBC had engaged for seven years in a technical exercise of demarcation, on the basis of instruments that were agreed to be the instruments delimiting the frontier in Lake Chad. The issues of the location of the mouth of the Ebeji, and the designation of the tripoint longitude in terms other than "approximate", were assigned to the LCBC. There is no indication that Nigeria regarded these issues as so grave that the frontier was to be viewed as "not delimited" by the designated instruments. The Court notes that as regards the land boundary southwards from the mouth of the Ebeji, Nigeria accepts that the designated instruments defined the boundary, but that certain uncertainties and defects should be confirmed and cured. In the view of the Court Nigeria followed this same approach in participating in the demarcation work of the LCBC from 1984 to 1990.

The Court agrees with the Parties that Nigeria is not bound by the Marking Out Report. Nonetheless, this finding of law implies neither that the governing legal instruments on delimitation were put in question, nor that Nigeria did not continue to be bound by them. In sum, the Court finds that the Milner-Simon Declaration of 1919, as well as the 1929-1930 Thomson-Marchand Declaration as incorporated in the Henderson-Fleuriau Exchange of Notes of 1931, delimit the boundary between Cameroon and Nigeria in the Lake Chad area. The map attached by the parties to the Exchange of Notes is to be regarded as an agreed clarification of the Moisel map. The Lake Chad border area is thus delimited, notwithstanding that there are two questions that remain to be examined by the Court, namely the precise location of the longitudinal co-ordinate of the Cameroon-Nigeria-Chad tripoint in Lake Chad and the question of the mouth of the Ebeji.

Co-ordinates of Cameroon-Nigeria-Chad tripoint and Ebeji mouth (paras. 56-61)

Cameroon, while accepting that the Report of the Marking Out of the International Boundaries in the Lake Chad is not binding on Nigeria, nonetheless asks the Court to find that the proposals of the LCBC as regards the tripoint and the mouth of the Ebeji "constitut[e] an authoritative interpretation of the Milner-Simon Declaration and the Thomson-Marchand Declaration, as confirmed by the Exchange of Letters of 9 January 1931".

The Court finds that it cannot accept this request. At no time was the LCBC asked to act by the successors to those instruments as their agent in reaching an authoritative interpretation of them. Moreover, the very fact that the outcome of the technical demarcation work was agreed in March 1994 to require adoption under national laws indicates that it was in no position to engage in "authoritative interpretation" *sua sponte*.

However, having examined the Moisel map annexed to the Milner-Simon Declaration of 1919 and the map attached to the Henderson-Fleuriau Exchange of Notes of 1931, the Court reaches the same conclusions as the LCBC and considers that the longitudinal co-ordinate of the tripoint is situated at 14° 04′ 59″9999 longitude east, rather than at "approximately" 14° 05′. In the Court's view, the minimal difference between these two specifications confirms, moreover, that this never presented an issue so significant as to leave the frontier in this area undetermined.

The Court then takes note of the fact that the text of the Thomson-Marchand Declaration of 1929-1930, incorporated in 1931 in the Henderson-Fleuriau Exchange of Notes, refers to "the mouth of the Ebeji". The Court considers that the text of the above instruments as well as the Moisel map annexed to the Milner-Simon Declaration and the map attached to the Henderson-Fleuriau Exchange of Notes show that the parties only envisaged one mouth. The Court further notes that the co-ordinates for the mouth of the Ebeji in the area just north of the site indicated as that of Wulgo, as calculated on the two maps, are strikingly similar. Moreover these co-ordinates are identical with those used by the LCBC when, in reliance on those same maps, it sought to locate the mouth of the Ebeji as it was understood by the parties in 1931. The point there identified is north both of the "mouth" suggested by Cameroon for the western channel in its alternative argument and of the "mouth" proposed by Nigeria for the eastern channel. On the basis of the above factors, the Court concludes that the mouth of the Ebeji, as referred to in the instruments confirmed in the Henderson-Fleuriau Exchange of Notes of 1931, lies at 14° 12′12″ longitude east and 12° 32′17″ latitude north. From this point the frontier must run in a straight line to the point where the River Ebeji bifurcates into two branches, the Parties being in agreement that that point lies on the boundary. The geographical co-ordinates of that point are 14° 12′03″ longitude east and 12° 30′14″ latitude north.

Historical consolidation of title claimed by Nigeria (paras. 62-70)

The Court then turns to Nigeria's claim based on its presence in certain areas of Lake Chad. It recalls that Nigeria claims sovereignty over areas in Lake Chad which include certain named villages. Nigeria explains that these villages have been established either on what is now the dried-up lake bed, or on islands which are surrounded by water perennially or on locations which are islands in the wet season only. Nigeria contends that its claim rests on three bases, which each apply both individually and jointly and one of which would be sufficient on its own:

"(1) long occupation by Nigeria and by Nigerian nationals constituting an historical consolidation of title;
(2) effective administration by Nigeria, acting as sovereign and an absence of protest; and
(3) manifestations of sovereignty by Nigeria together with the acquiescence by Cameroon in Nigerian sovereignty over Darak and the associated Lake Chad villages".

For its part, Cameroon contends that, as the holder of a conventional territorial title to the disputed areas, it does not have to demonstrate the effective exercise of its sovereignty over those areas, since a valid conventional title prevails over any *effectivités* to the contrary.

The Court first observes that the work of the LCBC was intended to lead to an overall demarcation of a frontier already delimited. Although the result of the demarcation process is not binding on Nigeria, that fact has no legal implication for the pre-existing frontier delimitation. It necessarily follows that Nigeria's claim based on the theory of historical consolidation of title and on the acquiescence of Cameroon must be assessed by reference to this initial determination of the Court. During the oral pleadings Cameroon's assertion that Nigerian *effectivités* were *contra legem* was dismissed by Nigeria as "completely question-begging and circular". The Court notes, however, that now that it has made its findings that the frontier in Lake Chad was delimited long before the work of the LCBC began, it necessarily follows that any Nigerian *effectivités* are indeed to be evaluated for their legal consequences as acts *contra legem*.

The Court then points out that the theory of historical consolidation is highly controversial and cannot replace the established modes of acquisition of title under international law, which take into account many other important variables of fact and law. Moreover, the facts and circumstances put forward by Nigeria concern a period of some 20 years, which is in any event far too short, even according to the theory relied on by it. The Court concludes that Nigeria's arguments on this point cannot therefore be upheld.

The Court observes that some of Nigeria's activities – the organization of public health and education facilities, policing, the administration of justice – could, as argued by it, normally be considered to be acts *à titre de souverain*. The Court notes, however, that, as there was a pre-existing title held by Cameroon in this area of the lake, the pertinent legal test is whether there was thus evidenced acquiescence by Cameroon in the passing of title from itself to Nigeria.

The Court observes that it has already ruled on a number of occasions on the legal relationship between "*effectivités*" and titles. In the *Frontier Dispute (Burkina Faso/Republic of Mali)* case, it pointed out that in this regard "a distinction must be drawn among several eventualities", stating *inter alia* that:

> "Where the act does not correspond to the law, where the territory which is the subject of the dispute is effectively administered by a State other than the one possessing the legal title, preference should be given to the holder of the title. In the event that the *effectivité* does not co-exist with any legal title, it must invariably be taken into consideration." (*I.C.J. Reports 1986*, p. 587, para. 63.) (See also *Territorial Dispute (Libyan Arab Jamahiriya/Chad), I.C.J. Reports 1994*, pp. 75-76, para. 38.)

The Court points out that it is this first eventuality here envisaged, and not the second, which corresponds to the situation obtaining in the present case. Thus Cameroon held the legal title to territory lying to the east of the boundary as fixed by the applicable instruments. Hence the conduct of Cameroon in that territory has pertinence only for the question of whether it acquiesced in the establishment of a change in treaty title, which cannot be wholly precluded as a possibility in law.

The Court further finds that the evidence presented to it as reflected in the case file, shows that there was no acquiescence by Cameroon in the abandonment of its title in the area in favour of Nigeria. It therefore concludes that the situation was essentially one where the *effectivités* adduced by Nigeria did not correspond to the law, and that accordingly "preference should be given to the holder of the title".

Accordingly, the Court concludes that, as regards the settlements situated to the east of the frontier confirmed in the Henderson-Fleuriau Exchange of Notes of 1931, sovereignty has continued to lie with Cameroon.

The course of the land boundary from Lake Chad to the Bakassi Peninsula (paras. 71-192)

Having examined the question of the delimitation in the area of Lake Chad, the Court then considers the course of the land boundary from Lake Chad to the Bakassi Peninsula.

Relevant instruments and task of the Court (paras. 72-86)

After summarizing the arguments of the Parties, the Court notes that Cameroon and Nigeria agree that the land boundary between their respective territories from Lake Chad onwards has already been delimited, partly by the Thomson-Marchand Declaration incorporated in the Henderson-Fleuriau Exchange of Notes of 1931, partly by the British Order in Council of 2 August 1946 and partly by the Anglo-German Agreements of 11 March and 12 April 1913. The Court likewise notes that, with the exception of the provisions concerning Bakassi contained in Articles XVIII *et seq.* of the Anglo-German Agreement of 11 March 1913, Cameroon and Nigeria both accept the validity of the four above-mentioned legal instruments which effected this delimitation. The Court finds that it will therefore not be required to address these issues further in relation to the sector of the boundary from Lake Chad to the point defined *in fine* in Article XVII of the Anglo-German Agreement of March 1913. It will, however, have to return to them in regard to the sector of the land boundary situated beyond that point, in the part of its Judgment dealing with the Bakassi Peninsula.

The Court points out that independently of the issues which have just been mentioned, a problem has continued to divide the Parties in regard to the land boundary. It concerns the nature and extent of the role which the Court is called upon to play in relation to the sectors of the land boundary in respect of which there has been disagreement between the Parties at various stages of the proceedings, either on the ground that the relevant instruments of delimitation were claimed to be defective or because the interpretation of those instruments was disputed. The Court notes that, while the positions of the Parties on this issue have undergone a significant change and have clearly become closer in the course of the proceedings, they still appear unable to agree on what the Court's precise task should be in this regard.

The Parties have devoted lengthy arguments to the difference between delimitation and demarcation and to the Court's power to carry out one or other of these operations. The Court observes that, as noted by it in the case concerning the *Territorial Dispute (Libyan Arab Jamahiriya/Chad)* (*I.C.J. Reports 1994*, p. 28, para. 56), the delimitation of a boundary consists in its "*definition*", whereas the demarcation of a boundary, which presupposes its prior delimitation, consists of operations marking it out on the ground. In the present case, the Parties have acknowledged the existence and validity of the instruments whose purpose was to effect the delimitation between their respective territories; moreover, both Parties have insisted time and again that they are not asking the Court to carry out demarcation operations, for which they themselves will be responsible at a later stage. The Court's task is thus neither to effect a delimitation *de novo* of the boundary nor to demarcate it.

The task which Cameroon referred to the Court in its Application is "*to specify definitively*" (emphasis added by the Court) the course of the land boundary as fixed by the relevant instruments of delimitation. In the Court's view, since the land boundary has already been delimited by various legal instruments, it is indeed necessary, in order to specify its course definitively, to confirm that those instruments are binding on the Parties and are applicable. However, contrary to what Cameroon appeared to be arguing at certain stages in the proceedings, the Court cannot fulfil the task entrusted to it in this case by limiting itself to such confirmation. Thus, when the actual content of these instruments is the subject of dispute between the Parties, the Court, in order to specify the course of the boundary in question definitively, is bound to examine them more closely. The dispute between Cameroon and Nigeria over certain points on the land boundary between Lake Chad and Bakassi is in reality simply a dispute over the interpretation or application of particular provisions of the instruments delimiting that boundary. It is this dispute which the Court will undertake to settle. In order to do so, the Court addresses in succession each of the points in dispute.

Limani (paras. 87-91)

The Court notes that in the Limani area the interpretation of the Thomson-Marchand Declaration raises difficulties in that it simply refers to "a river" in this area, whereas there are in fact several river channels between the Agzabame marsh and the "confluence at about 2 kilometres to the north-west [of the village of Limanti (Limani)]" (paragraph 14 of the Declaration).

A careful study of the wording of the Thomson-Marchand Declaration and of the map and other evidence provided by the Parties leads the Court to the following conclusions. In the first place, the Court observes that the second channel from the north, proposed by Cameroon as the course of the boundary, is unacceptable. The southern channel proposed by Nigeria poses other problems. The Court cannot therefore accept this channel either. The Court notes, however, that the river has another channel, called Nargo on DOS sheet "Ybiri N.W.", reproduced at page 23 of the atlas annexed to Nigeria's Rejoinder, which meets the conditions specified in the Thomson-Marchand Declaration. Accordingly, the Court concludes that the "river" mentioned in paragraph 14 of the Thomson-Marchand Declaration is the channel running between Narki and

Tarmoa, and that from the Agzabame marsh the boundary must follow that channel to its confluence with the Ngassaoua River.

The Keraua (Kirewa or Kirawa) River (paras. 92-96)

The Court notes that, in the area of the Keraua (Kirewa or Kirawa) River, the interpretation of paragraph 18 of the Thomson-Marchand Declaration raises difficulties, since the wording of this provision merely makes the boundary follow "the Keraua", whereas at this point that river splits into two channels: a western channel and an eastern channel. The Court finds that its task is thus to identify the channel which the boundary is to follow pursuant to the Thomson-Marchand Declaration.

After rejecting some of each of the Parties' contentions, the Court notes that according to the Moisel map the boundary runs, as Nigeria maintains, just to the east of two villages called Schriwe and Ndeba, which are on the site now occupied by the villages of Chérivé and Ndabakora, and which the map places on Nigerian territory. Only the eastern channel meets this condition. The Court accordingly concludes that paragraph 18 of the Thomson-Marchand Declaration must be interpreted as providing for the boundary to follow the eastern channel of the Keraua River.

The Kohom River (paras. 97-102)

The Court notes that the initial problem posed by paragraph 19 of the Thomson-Marchand Declaration consists in the identification of the course of the River Kohom, along which the boundary is to pass. After a detailed study of the map evidence available to it, the Court reaches the conclusion that, as Nigeria contends, it is indeed the River Bogaza which has its source in Mount Ngosi, and not the River Kohom. The Court's task is accordingly to determine where the drafters of the Thomson-Marchand Declaration intended the boundary to run in this area when they described it as following the course of a river called "Kohom".

In order to locate the course of the Kohom, the Court first examines the text of the Thomson-Marchand Declaration, finding that it does not provide a decisive answer. The Court points out that it therefore had to have recourse to other means of interpretation. Thus it has carefully examined the sketch-map prepared in March 1926 by the French and British officials which served as the basis for the drafting of paragraphs 18 and 19 of the Thomson-Marchand Declaration. The Court finds that it is able to determine, on the basis of a comparison of the indications provided by the sketch-map with the maps provided by the Parties, that the Kohom whose course the Thomson-Marchand Declaration provides for the boundary to follow is that indicated by Cameroon. It notes, however, that the boundary line claimed by Cameroon in this area runs on past the source of the river which the Court has identified as the Kohom. Nor does the Court consider that it can disregard the fact that the Thomson-Marchand Declaration expressly provides that the boundary must follow a river which has its source in Mount Ngosi. In order to comply with the Thomson-Marchand Declaration, it is therefore necessary to join the source of the River Kohom, as identified by the Court, to the River Bogaza, which rises on Mount Ngosi. The Court accordingly concludes that paragraph 19 of the Thomson-Marchand Declaration should be interpreted as providing for the boundary to follow the course of the River Kohom, as identified by the Court, as far as its source at 13° 44′ 24″ longitude east and 10° 59′ 09″ latitude north, and then to follow a straight line in a southerly direction until it reaches the peak shown as having an elevation of 861 m on the 1:50,000 map in figure 7.8 at page 334 of Nigeria's Rejoinder and located at 13° 45′ 45″ longitude east and 10° 59′ 45″ latitude north, before following the River Bogaza in a southwesterly direction as far as the summit of Mount Ngosi.

The watershed from Ngosi to Humsiki (Roumsiki)/Kamale/Turu (the Mandara Mountains) (paras. 103-114)

The Court notes that the problem in the area between Ngosi and Humsiki derives from the fact that Cameroon and Nigeria apply the provisions of paragraphs 20 to 24 of the Thomson-Marchand Declaration in different ways. In this sector of the boundary the Court's task is thus to determine the course of the boundary by reference to the terms of the Thomson-Marchand Declaration, that is to say by reference essentially to the crest line, to the line of the watershed and to the villages which are to lie to either side of the boundary. The Court addresses this question section by section, and concludes that in the area between Ngosi and Humsiki the boundary follows the course described by paragraphs 20 to 24 of the Thomson-Marchand Declaration as clarified by the Court.

From Mount Kuli to Bourha/Maduguva (incorrect watershed line on Moisel's map) (paras. 115-119)

The Court notes that the text of paragraph 25 of the Thomson-Marchand Declaration, on the application of which the two Parties disagree, provides quite expressly that the boundary is to follow "the incorrect line of the watershed shown by Moisel on his map". Since the authors of the Declaration prescribed a clear course for the boundary, the Court cannot deviate from that course.

From careful study of the Moisel map the Court concludes that paragraph 25 of the Thomson-Marchand Declaration should be interpreted as providing for the boundary to run from Mount Kuli to the point marking the beginning of the "incorrect line of the watershed", located at 13° 31′ 47″ longitude east and 10° 27′ 48″ latitude north, having reached that point by following the correct line of the watershed. Then, from that point, the boundary follows the "incorrect line of the watershed" to the point marking the end of that line, located at 13° 30′ 55″ longitude east and 10° 15′ 46″ latitude north. Between these two points the boundary follows the course indicated on the map annexed to this Judgment, which was prepared by the Court by transposing the "incorrect line of the watershed" from the Moisel map to the first edition of sheet "Uba N.E." of the DOS 1:50,000 map of Nigeria. From this latter point, the boundary will again follow the correct line of the watershed in a southerly direction.

Kotcha (Koja) (paras. 120-124)

The Court finds that, in the Kotcha area, the difficulty derives solely from the fact, as Nigeria recognizes, that the Nigerian village of Kotcha has spread over onto the Cameroonian side of the boundary. As the Court has already had occasion to point out in regard to the village of Turu, it has no power to modify a delimited boundary line, even in a case where a village previously situated on one side of the boundary has spread beyond it. It is instead up to the Parties to find a solution to any resultant problems, with a view to respecting the rights and interests of the local population.

The Court accordingly concludes that the boundary in the Kotcha area, as described in paragraphs 26 and 27 of the Thomson-Marchand Declaration, follows the line of the watershed, including where it passes close to the village of Kotcha, the cultivated land lying on the Cameroonian side of the watershed remaining on Cameroonian territory.

Source of the Tsikakiri River (paras. 125-129)

The Court notes that the interpretation of paragraph 27 of the Thomson-Marchand Declaration poses problems because the Tsikakiri River has more than one source, whereas the Declaration simply states that the boundary passes through "the source" of the Tsikakiri without providing any indication as to which source is to be chosen.

The Court observes that it may reasonably be assumed that the drafters of the Declaration, in referring to the source of the Tsikakiri, intended to designate a point which could be readily identified, both on maps and on the ground and notes that one of the sources of the Tsikakiri, namely the one having the highest elevation, stands out from the others. It accordingly concludes that, in the area referred to in paragraph 27 of the Thomson-Marchand Declaration, the boundary starts from a point having co-ordinates 13°17′50″ longitude east and 10°03′32″ latitude north, which is located in the vicinity of Dumo. From there, the boundary runs in a straight line to the point which the Court has identified as the "source of the Tsikakiri" as referred to in the Declaration, and then follows that river.

From Beacon 6 to Wamni Budungo (paras. 130-134)

The Court notes that the interpretation of paragraphs 33 and 34 of the Thomson-Marchand Declaration raises a problem in that those provisions describe the line of the boundary as passing through three beacons of which at least two have now disappeared.

After careful study of the text of the Anglo-German Agreement of 1906 and the cartographic material provided by the Parties in order to discover the location of these three beacons, the Court concludes that paragraphs 33 and 34 of the Thomson-Marchand Declaration must be interpreted as providing for the boundary to pass through the points having the following co-ordinates: 12° 53′ 15″ longitude east and 9° 04′ 19″ latitude north; 12° 51′ 55″ longitude east and 9° 01′ 03″ latitude north; and 12° 49′ 22″ longitude east and 8° 58′ 18″ latitude north.

Maio Senche (paras. 135-139)

The Court notes that, in the Maio Senche area, covered by paragraph 35 of the Thomson-Marchand Declaration, the difficulty lies in identifying the line of the watershed, of which the two Parties have proposed differing cartographic representations.

After studying the cartographic material provided to it by the Parties, the Court observes that the watershed line passes, as Nigeria contends, between the basin of the Maio Senche and that of the two rivers to the south.

Jimbare and Sapeo (paras. 140-146)

The Court notes that the interpretation of paragraphs 35 to 38 of the Thomson-Marchand Declaration poses problems, since the description of the boundary therein appears both to contain a series of material errors and, in certain places, to contradict the representation of that boundary on the 1931 map appended to the Declaration. The Court notes, however, that, as regards the area to the north of Nananoua as referred to in paragraph 36 of the Thomson-Marchand Declaration, the Parties agree that the rivers whose courses form the boundary are the Leinde and the Sassiri. Similarly, the cartographic representations of this section of the boundary proposed by the Parties correspond in every respect. To the south of Nananoua, on the other hand, there is no agreement between Cameroon and Nigeria.

The Court concludes, first, that paragraphs 35 and 36 of the Thomson-Marchand Declaration must be interpreted as providing for the boundary to pass over Hosere Bila, which it has identified as the "south peak of the Alantika Mountains" referred to in paragraph 35, and then from that point along the River Leinde and the River Sassiri "as far as the confluence with the first stream coming from the Balakossa Range". It further concludes that paragraphs 37 and 38 of the Thomson-Marchand Declaration must be interpreted as providing for the boundary to follow the course described in paragraph 1 of the Logan-Le Brun *procès-verbal*, as shown by Nigeria in figures 7.15 and 7.16 at pages 346 and 350 of its Rejoinder.

Noumberou-Banglang (paras. 147-152)

The Court notes that the final part of paragraph 38 of the Thomson-Marchand Declaration poses problems of interpretation in that it contains fundamental errors of a material nature; it further notes that it is, however, only the part of the boundary situated to the south of the source of the Noumberou which poses any problem. To the north of that point, Cameroon and Nigeria agree that the boundary should follow the course of the Noumberou. The course of the boundary shown on the Cameroonian and Nigerian maps confirm that agreement.

The Court considers that, to the south of the source, it is the boundary line proposed by Nigeria which is to be preferred. That line is moreover more favourable to Cameroon than the line shown on its own maps, and Cameroon has not opposed it. The Court accordingly concludes that the final part of paragraph 38 of the Thomson-Marchand Declaration must be interpreted as providing for the boundary to follow the course of the River Noumberou as far as its source, and then from that point to run in a straight line as far as Hosere Tapere as identified by the Court.

Tipsan (paras. 153-155)

The Court observes that at the hearings the Parties agreed that the boundary must follow a line running parallel to the Fort Lamy-Bare road some 2 km to the west thereof, as paragraph 41 of the Thomson-Marchand Declaration provides. The Court takes note of that agreement. However, the Court considers that, in order to remove any doubt, it should identify the terminal point of this section of the boundary — namely the point situated on the Mayo Tipsal "2 kilometres to the south-west of the point at which the road crosses said Mayo Tipsal" — as corresponding to the co-ordinates 12° 12′ 45″ longitude east and 7° 58′ 49″ latitude north.

Crossing the Maio Yin (paras. 156-160)

The Court confirms that the boundary in the area where it crosses the Maio Yin follows the course described in paragraphs 48 and 49 of the Thomson-Marchand Declaration.

The Hambere Range area (paras. 161-168)

The Court notes that paragraphs 60 and 61 of the Thomson-Marchand Declaration raise problems of interpretation, since they provide for the boundary to pass over "a fairly prominent peak" without any further clarification and the Parties have differing views as to the location of that peak.

The Court observes that paragraphs 60 and 61 contain a number of indications which are helpful in locating the "fairly prominent, pointed peak" referred to therein. Having studied with the greatest care the maps provided by the Parties, the Court concludes that paragraph 60 of the Thomson-Marchand Declaration must be interpreted as providing for the boundary to follow the line of the watershed through the Hosere Hambere or Gesumi, as shown on sheet NB-32-XVIII-3a-3b of the 1955

IGN 1:50,000 map of Cameroon, produced in the proceedings by Nigeria, as far as the foot of Tamnyar Peak, which the Court has identified as the "fairly prominent, pointed peak" referred to in the Declaration.

From the Hambere Range to the Mburi River (Lip and Yang) (paras. 169-179)

The Court notes that the interpretation of the Order in Council of 1946 raises two fundamental difficulties in the area between the "fairly prominent pointed peak" referred to in the Thomson-Marchand Declaration and the River Mburi. The first lies in joining up the lines prescribed by the two texts and, in particular, in identifying the peak described in the Order in Council as "prominent", without further clarification. The second consists in determining the course of the boundary beyond that point.

The Court observes that, while unable to designate a specific peak, it has nonetheless been able to identify the crest line of which that peak must form part. This crest begins at the point where the watershed through the Hosere Hambere turns suddenly to the south at the locality named Galadima Wanderi on figure 7.37 in Nigeria's Rejoinder, then runs due south until it approaches the point named Tonn Hill on that same figure. The intention of the drafters of the Order in Council was to have the boundary follow this crest line. As a result, what the Court finds it has to do is to trace a line joining the peak referred to in paragraph 60 of the Thomson-Marchand Declaration, namely Tamnyar Peak, to that crest line. The Court points out that the watershed through the Hosere Hambere, on which Tamnyar Peak lies, extends naturally as far as the crest line marking the former Franco-British frontier, starting point of the sector of the boundary delimited by the 1946 Order in Council. It is thus possible to link the boundary sectors delimited by the two texts by following, from Tamnyar Peak, that watershed as represented on sheet NB-32-XVIII-3a-3b of the 1955 IGN 1:50,000 map of Cameroon, produced in the proceedings by Nigeria.

The Court then addresses the question of the course of the boundary from that crest line. It observes that the 1946 Order in Council contains a great deal of information on the course of the boundary in this area. After carefully study of the maps provided to it by the Parties, the Court concludes that, from east to west, the boundary first follows the watershed line through the Hosere Hambere from Tamnyar Peak to the point where that line reaches the crest line marking the former Franco-British frontier. In accordance with the 1946 Order in Council, the boundary then follows this crest line southward, then west-south-west to the source of the River Namkwer and then follows the course of that river to its confluence with the River Mburi, 1 mile north of Nyan. From that point, the boundary follows the course of the River Mburi. It first runs northwards for a distance of approximately 2 km, and then takes a south-westerly course for some 3 km and then west-north-west along a stretch where the river is also called the Maven or the Ntem. Then, some 2 km further on, it turns to run due north where the River Mburi is also called the Manton or Ntem.

Bissaula-Tosso (paras. 180-184)

The Court notes that the problem in the Bissaula-Tosso area consists in determining which tributary of the River Akbang crosses the Kentu-Bamenda road and is thus the tributary which the Order in Council provides for the boundary to follow.

The Court concludes that the 1946 Order in Council should be interpreted as providing for the boundary to run through the point where the southern tributary of the River Akbang, as identified by the Court, crosses the Kentu-Bamenda road, and then from that point along the southern tributary until its junction with the River Akbang.

The Sama River (paras. 185-189)

The Court notes that the interpretation of the Order in Council poses problems in regard to the River Sama, since the river has two tributaries, and hence two places where it "divides into two" as the Order in Council prescribes, but the Order does not specify which of those two places is to be used in order to determine the course of the boundary.

The Court finds that a reading of the text of the Order in Council of 1946 permits it to conclude that this Order must be interpreted as providing for the boundary to run up the River Sama to the confluence of its first tributary, that being the point, with co-ordinates 10° 10′ 23″ longitude east and 6° 56′ 29″ latitude north, which the Court has identified as the one specified in the Order in Council where the River Sama "divides into two"; and then, from that point, along a straight line to the highest point of Mount Tosso.

Boundary in Bakassi and question of sovereignty over the Peninsula (paras. 193-225)

Having recalled each of the Parties' final submissions, the Court notes that according to Cameroon the Anglo-German Agreement of 11 March 1913 fixed the course of the boundary between the Parties in the area of the Bakassi Peninsula, placing the latter on the German side of the boundary. Cameroon relies for this purpose on Articles XVIII to XXI of the said Agreement, and adds that hence, when Cameroon and Nigeria acceded to independence, this boundary became that between the two countries, successor States to the colonial powers and bound by the principle of *uti possidetis*. The Court further notes that Nigeria, for its part, does not contest that the meaning of these provisions was to allocate the Bakassi Peninsula to Germany. It does, however, insist that the said terms were never put into effect, and indeed were invalid on various grounds, though the other Articles of the Agreement of

11 March 1913 remained valid. Nigeria contends rather, that the title to sovereignty over Bakassi on which it relies was originally vested in the Kings and Chiefs of Old Calabar. It considers that, the Treaty of Protection signed on 10 September 1884 between Great Britain and the Kings and Chiefs of Old Calabar only conferred certain limited rights on Great Britain; in no way did it transfer sovereignty to Britain over the territories of the Kings and Chiefs of Old Calabar. Nigeria argues that, since Great Britain did not have sovereignty over those territories in 1913, it could not cede them to a third party. The Court notes in this connection that, in Cameroon's view, the treaty signed on 10 September 1884 between Great Britain and the Kings and Chiefs of Old Calabar established a "colonial protectorate" and, "in the practice of the period, there was little fundamental difference at international level, in terms of territorial acquisition, between colonies and colonial protectorates". According to Cameroon substantive differences between the status of colony and that of a colonial protectorate were matters of the national law of the colonial Powers rather than of international law. The key element of the colonial protectorate was the "assumption of external sovereignty by the protecting State", which manifested itself principally through "the acquisition and exercise of the capacity and power to cede part of the protected territory by international treaty, without any intervention by the population or entity in question".

The Court begins by observing that during the era of the Congress of Berlin the European Powers entered into many treaties with local rulers, and that Great Britain concluded some 350 treaties with the local chiefs of the Niger delta. Among these were the treaties concluded in July 1884 with the Kings and Chiefs of Opobo and, in September 1884, with the Kings and Chiefs of Old Calabar. The latter Treaty did not specify the territory to which the British Crown was to extend "gracious favour and protection", nor did it indicate the territories over which each of the Kings and Chiefs signatory to the Treaty exercised his powers. In the view of the Court, Great Britain had, however, a clear understanding of the area ruled at different times by the Kings and Chiefs of Old Calabar, and of their standing.

Nigeria has contended that the very title of the 1884 Treaty and the reference in Article I to the undertaking of "protection", shows that Britain had no entitlement to do more than protect, and in particular had no entitlement to cede the territory concerned to third States: "*nemo dat quod non habet*". The Court in this respect calls attention to the fact that the international legal status of a "Treaty of Protection" entered into under the law obtaining at the time cannot be deduced from its title alone. Some treaties of protection were entered into with entities which retained thereunder a previously existing sovereignty under international law. This was the case whether the protected party was henceforth termed "protectorat" or "a protected State". In sub-Saharan Africa, treaties termed "treaties of protection" were entered into not with States, but rather with important indigenous rulers exercising local rule over identifiable areas of territory. In relation to a treaty of this kind in another part of the world, Max Huber, sitting as sole arbitrator in the *Island of Palmas* case, explained that such a treaty

> "is not an agreement between equals; it is rather a form of internal organisation of a colonial territory, on the basis of autonomy of the natives . . . And thus suzerainty over the native States becomes the basis of territorial sovereignty as towards other members of the community of nations." (*Reports of International Arbitral Awards*, Vol. II, pp. 858-859.)

The Court observes that these concepts also found expression in the *Western Sahara* Advisory Opinion. There the Court stated that in territories that were not *terra nullius*, but were inhabited by tribes or people having a social and political organization, "agreements concluded with local rulers . . . were regarded as derivative roots of title" (*Western Sahara, Advisory Opinion, I.C.J. Reports 1975*, p. 39, para. 80). The Court points out that even if this mode of acquisition does not reflect current international law, the principle of intertemporal law requires that the legal consequences of the treaties concluded at that time in the Niger delta be given effect today, in the present dispute.

In the view of the Court many factors point to the 1884 Treaty signed with the Kings and Chiefs of Old Calabar as not establishing an international protectorate. Nigeria itself has been unable to point to any role, in matters relevant to the present case, played by the Kings and Chiefs of Old Calabar after the conclusion of the 1884 Treaty. The Court further notes that a characteristic of an international protectorate is that of ongoing meetings and discussions between the protecting Power and the Rulers of the Protectorate. In the present case the Court was informed that "Nigeria can neither say that no such meetings ever took place, or that they did take place . . . the records which would enable the question to be answered probably no longer exist". The Court also notes that there is no reference to Old Calabar in any of the various British Orders in Council, of whatever date, which list protectorates and protected States. Moreover, the Court has been presented with no evidence of any protest in 1913 by the Kings and Chiefs of Old Calabar; nor of any action by them to pass territory to Nigeria as it emerged to independence in 1960. The Court thus concludes that, under the law at the time, Great Britain was in a position in 1913 to determine its boundaries with Germany in respect of Nigeria, including in the southern section.

The Court then examines the treatment, in the period 1913 to 1960, of the southern sector of the boundary as defined by the Anglo-German Agreement of 11 March 1913.

Cameroon contends that the mandate and trusteeship period, and the subsequent independence process, show recognition on the part of the international community of Cameroon's attachment to the Bakassi Peninsula. Nigeria for its part argues that, at all times while the 1884 Treaty remained in force, Great Britain continued to lack power to give Bakassi away. As such, it claims that no amount of British activity in relation to Bakassi in the mandate or trusteeship periods could have severed Bakassi from the Nigeria protectorate.

The Court notes that after the First World War Germany renounced its colonial possessions. Under the Versailles Treaty the German possessions of Cameroon were divided between Great Britain and France. In 1922 Great Britain accepted the mandate of the League of Nations for "that part [of the former German colony] of the Cameroons which lay to the west of the line laid down in the [Milner-Simon] Declaration signed on the 10th July, 1919". Bakassi was necessarily comprised within the mandate. When, after the Second World War and the establishment of the United Nations, the mandate was converted to a trusteeship, the territorial situation remained exactly the same. Thus for the entire period from 1922 until 1961 (when the Trusteeship was terminated), Bakassi was comprised within British Cameroon. The boundary between Bakassi and Nigeria, notwithstanding the administrative arrangements, remained an international boundary.

The Court is unable to accept Nigeria's contention that until its independence in 1961, and notwithstanding the Anglo-German Agreement of 11 March 1913, the Bakassi Peninsula had remained under the sovereignty of the Kings and Chiefs of Old Calabar. Neither the League of Nations nor the United Nations considered that to be the position. Equally, the Court observes that it has seen no evidence that Nigeria thought that upon independence it was acquiring Bakassi from the Kings and Chiefs of Old Calabar. Nigeria itself raised no query as to the extent of its territory in this region upon attaining independence. The Court notes in particular that there was nothing which might have led Nigeria to believe that the plebiscite which took place in the Southern Cameroons in 1961 under United Nations supervision did not include Bakassi. The Court further observes that this frontier line was acknowledged in turn by Nigeria when it voted in favour of General Assembly resolution 1608 (XV), which both terminated the Trusteeship and approved the results of the plebiscite. Shortly after, in Note Verbale No. 570 of 27 March 1962 addressed to Cameroon, Nigeria referred to certain oil licensing blocks. A sketch-map was appended to the Note, from which it is clear that the block "N" referred to lay directly south of the Bakassi Peninsula. The block was described as offshore Cameroon. This common understanding of where title lay in Bakassi continued through until the late-1970s, when the Parties were engaging in discussions on their maritime frontier. The Court finds that it is clear from the ensuing discussions and agreements that the Parties took it as a given that Bakassi belonged to Cameroon. Nigeria, drawing on the full weight of its experts as well as its most senior political figures, understood Bakassi to be under Cameroon sovereignty. Accordingly, the Court finds that at that time Nigeria accepted that it was bound by Articles XVIII to XXII of the Anglo-German Agreement of 11 March 1913, and that it recognized Cameroonian sovereignty over the Bakassi Peninsula. In the view of the Court, this common understanding of the Parties is also reflected by the geographic pattern of the oil concessions granted by the two Parties up to 1991. The Court further takes account of certain formal requests up until the 1980s submitted by the Nigerian Embassy in Yaoundé, or by the Nigerian consular authorities, before going to visit their nationals residing in Bakassi.

For all of these reasons the Court finds that the Anglo-German Agreement of 11 March 1913 was valid and applicable in its entirety.

The Court then turns to further claims to Bakassi relied on by Nigeria. Nigeria advances "three distinct but interrelated bases of title over the Bakassi Peninsula":

> "(i) Long occupation by Nigeria and by Nigerian nationals constituting an historical consolidation of title and confirming the original title of the Kings and Chiefs of Old Calabar, which title vested in Nigeria at the time of independence in 1960;
>
> (ii) peaceful possession by Nigeria, acting as sovereign, and an absence of protest by Cameroon; and
>
> (iii) manifestations of sovereignty by Nigeria together with acquiescence by Cameroon in Nigerian sovereignty over the Bakassi Peninsula."

Nigeria particularly emphasizes that the title on the basis of historical consolidation, together with acquiescence, in the period since the independence of Nigeria, "constitutes an independent and self-sufficient title to Bakassi". Cameroon for its part argues that a legal treaty title cannot be displaced by what in its view amounts to no more than a number of alleged *effectivités*.

The Court first recalls its finding above regarding the claim to an ancient title to Bakassi derived from the Kings and Chiefs of Old Calabar. It observes that it follows therefrom that at the time of Nigeria's accession to independence there existed no Nigerian title capable of being confirmed subsequently by "long occupation". On the contrary, on the date of its independence Cameroon succeeded to title over Bakassi as established by the Anglo-German Agreement of 11 March 1913. The Court also finds that invocation of the theory of consolidation of historic titles cannot in any event vest title to Bakassi in Nigeria, where its "occupation" of the peninsula is adverse to Cameroon's prior treaty title and where, moreover, the possession has been for a limited period.

The Court then deals with other aspects of the second and third bases of title advanced by Nigeria together.

It points out that the legal question of whether *effectivités* suggest that title lies with one country rather than another is not the same legal question as whether such *effectivités* can serve to displace an established treaty title. As the Chamber of the Court made clear in the *Frontier Dispute (Burkina Faso/Republic of Mali)* case, where there is a conflict between title and *effectivités*, preference will be given to the former (*Judgment, I.C.J. Reports 1986*, pp. 586-587, para. 63). In the view of the Court the more relevant legal question in this case is whether the conduct of Cameroon, as the title holder, can be viewed as an acquiescence in the loss of the treaty title that it inherited upon independence. The Court recalls that in 1961-1962, Nigeria clearly and publicly recognized Cameroon title to Bakassi. That continued to be the position until at least 1975, when Nigeria signed the Maroua Declaration. No Nigerian *effectivités* in Bakassi before that time can be said to have legal significance for demonstrating a Nigerian title; this may in part explain the absence of Cameroon protests regarding health, education and tax activity in Nigeria. The Court also notes that Cameroon had since its independence engaged in activities which made clear that it in no way was abandoning its title to Bakassi. The Court considers that the foregoing shows that Nigeria could not have been acting *à titre de souverain* before the late 1970s, as it did not consider itself to have title over Bakassi; and in the ensuing period the evidence does not indicate an acquiescence by Cameroon in the abandonment of its title in favour of Nigeria. For all of these reasons the Court is also unable to accept the second and third bases of title to Bakassi advanced by Nigeria.

The Court accordingly concludes that the boundary between Cameroon and Nigeria in Bakassi is delimited by Articles XVIII to XX of the Anglo-German Agreement of 11 March 1913, and that sovereignty over the peninsula lies with Cameroon.

The maritime boundary between Cameroon and Nigeria (paras. 226-307)

The Court then turns to the maritime boundary between Cameroon and Nigeria.

In its final submissions presented to the Court at the end of the oral proceedings on 21 March 2002, Cameroon requests that the Court confirm that "[t]he boundary of the maritime areas appertaining respectively to the Republic of Cameroon and the Federal Republic of Nigeria takes the following course", which Cameroon describes in detail in the two subparagraphs of paragraph *(c)* of its submissions. Nigeria claims that the Court should refuse to carry out in whole or in part the delimitation requested by Cameroon, first, because the delimitation affects areas claimed by third States (eighth preliminary exception) and, secondly, because the requirement of prior negotiations has not been satisfied.

The Court first deals with these arguments of Nigeria.

Nigeria's eighth preliminary objection (paras. 237-238)

After summarizing the contentions and arguments of each of the Parties, the Court first observes that its finding in its Judgment of 11 June 1998 on the eighth preliminary objection of Nigeria that that preliminary objection did "not have, in the circumstances of the case, an exclusively preliminary character" requires it to deal now with the preliminary objection before proceeding further on the merits. Since Nigeria maintains its objection, the Court must rule on it.

The Court begins by observing that its jurisdiction is founded on the consent of the parties. The Court cannot therefore decide upon legal rights of third States not parties to the proceedings. In the present case there are States other than the parties to these proceedings whose rights might be affected, namely Equatorial Guinea and Sao Tome and Principe. Those rights cannot be determined by decision of the Court unless Equatorial Guinea and Sao Tome and Principe have become parties to the proceedings. Equatorial Guinea has indeed requested — and has been granted — permission to intervene, but as a non-party intervener only. Sao Tome and Principe has chosen not to intervene on any basis.

The Court considers that, in particular in the case of maritime delimitations where the maritime areas of several States are involved, the protection afforded by Article 59 of the Statute may not always be sufficient. In the present case, Article 59 may not sufficiently protect Equatorial Guinea and/or Sao Tome and Principe from the effects — even if only indirect — of a judgment affecting their legal rights. It follows that, in fixing the maritime boundary between Cameroon and Nigeria, the Court must ensure that it does not adopt any position which might affect the rights of Equatorial Guinea and Sao Tome and Principe. Moreover, in relation to the specific issue of the tripoint, the Court notes that both Parties agree that it should not fix one. It is indeed not entitled to do so. In determining any line, the Court must take account of this.

The Court concludes that it cannot rule on Cameroon's claims in so far as they might affect rights of Equatorial Guinea and Sao Tome and Principe. Nonetheless, the mere presence of those two States, whose rights might be affected by the decision of the Court, does not in itself preclude the Court from having jurisdiction over a maritime delimitation between the Parties to the case before it, namely Cameroon and Nigeria, although it must remain mindful, as always *in situ*ations of this kind, of the limitations on its jurisdiction that such presence imposes.

Nigeria's argument that the requirement of prior negotiations has not been satisfied (paras. 239-245)

Nigeria further argues that Article 74, paragraph 1, and Article 83, paragraph 1, of the United Nations Convention on the Law of the Sea require that the parties to a dispute over maritime delimitation should first attempt to resolve their dispute by negotiation. According to Nigeria, these provisions lay down a substantive rule, not a procedural prerequisite. Negotiation is prescribed as the proper and primary way of achieving an equitable maritime delimitation, and the Court is not a forum for negotiations. Nigeria accepts that, to the extent that the dispute over the maritime boundary pertains to areas around point G and to the areas of overlapping licences, this requirement has been satisfied. However, it maintains that waters to the south "of 4° N and 3° N and even 2° N" have never been the subject of any attempt at negotiation with Nigeria or, as far as Nigeria is aware, with any other affected State.

The Court points out that, in its Judgment of 11 June 1998, it noted that negotiations between the Governments of Cameroon and Nigeria concerning the entire maritime delimitation – up to point G and beyond – were conducted as far back as the 1970s. These negotiations did not lead to an agreement. In the Court's view, however, Articles 74 and 83 of the United Nations Law of the Sea Convention do not require that delimitation negotiations should be successful; like all similar obligations to negotiate in international law, the negotiations have to be conducted in good faith. The Court reaffirms its finding in regard to the preliminary objections that negotiations have indeed taken place. Moreover, if, following unsuccessful negotiations, judicial proceedings are instituted and one of the parties then alters its claim, Articles 74 and 83 of the Law of the Sea Convention would not require that the proceedings be suspended while new negotiations were conducted. It is of course true that the Court is not a negotiating forum. In such a situation, however, the new claim would have to be dealt with exclusively by judicial means. Any other solution would lead to delays and complications in the process of delimitation of continental shelves and exclusive economic zones. The Law of the Sea Convention does not require such a suspension of the proceedings.

As to negotiations with Equatorial Guinea and Sao Tome and Principe, the Court does not find that it follows from Articles 74 and 83 of the Law of the Sea Convention that the drawing of the maritime boundary between Cameroon and Nigeria presupposes that simultaneous negotiations between all four States involved have taken place.

The Court concludes that it is therefore in a position to proceed to the delimitation of the maritime boundary between Cameroon and Nigeria in so far as the rights of Equatorial Guinea and Sao Tome and Principe are not affected.

The maritime boundary up to point G (paras. 247-268)

The Court then turns to Cameroon's request for the tracing of a precise line of maritime delimitation. It first addresses the sector of the maritime boundary up to point G.

The Court notes that, according to Cameroon, the maritime boundary between Cameroon and Nigeria is divided into two sectors. The first, from the mouth of the Akwayafe River to point G fixed by the Maroua Declaration of 1 June 1975, is said to have been delimited by valid international agreements between the Parties. In relation to this sector, Cameroon asks the Court merely to confirm that delimitation, which it says that Nigeria is now seeking to reopen. The sector beyond point G remains to be delimited, and Cameroon requests the Court to fix the limits of the Parties' respective areas in this sector, so as to put a complete and final end to the dispute between them. The delimitation of the first sector, from the mouth of the Akwayafe River to point G, is said by Cameroon to be based mainly on three international legal instruments, namely the Anglo-German Agreement of 11 March 1913, the Cameroon-

Nigeria Agreement of 4 April 1971, comprising the Yaoundé II Declaration and the appended Chart 3433, and the Maroua Declaration of 1 June 1975. The Court then notes that Nigeria for its part draws no distinction between the area up to point G and the area beyond. It denies the existence of a maritime delimitation up to that point, and maintains that the whole maritime delimitation must be undertaken *de novo*. Nonetheless, Nigeria does advance specific arguments regarding the area up to point G, which in the Court's view it is appropriate to address in this part of the Judgment. In the first place, on the basis of its claim to sovereignty over the Bakassi Peninsula, Nigeria contends that the line of the maritime boundary between itself and Cameroon will commence in the waters of the Rio del Rey and run down the median line towards the open sea. Since the Court has already found that sovereignty over the Bakassi Peninsula lies with Cameroon and not with Nigeria, it is unnecessary to deal any further with this argument of Nigeria. Nigeria further contends that, even if Cameroon's claim to Bakassi were valid, Cameroon's claim to a maritime boundary should have taken into account the wells and other installations on each side of the line established by the oil practice and should not change the status quo in this respect. In relation to the Yaoundé II Declaration, Nigeria contends that it was not a binding agreement. Nigeria likewise regards the Maroua Declaration as lacking legal validity.

The Court begins by pointing out that it has already found that the Anglo-German Agreement of 11 March 1913 is valid and applicable in its entirety and that, in consequence, territorial title to the Bakassi Peninsula lies with Cameroon. It follows from these findings that the maritime boundary between Cameroon and Nigeria lies to the west of the Bakassi Peninsula and not to the east, in the Rio del Rey. It also follows from these findings that the maritime boundary between the Parties is "anchored" to the mainland at the intersection of the straight line from Bakassi Point to King Point with the centre of the navigable channel of the Akwayafe River in accordance with Articles XVIII and XXI of the said Anglo-German Agreement.

The Court observes that it is apparent from the documents provided to the Court by the Parties that, irrespective of what may have been the intentions of its original signatories, the Yaoundé II Declaration was called into question on a number of occasions by Nigeria subsequently to its signature and to the Joint Boundary Commission meeting of June 1971. However, it is unnecessary to determine the status of the Declaration in isolation, since the line described therein is confirmed by the terms of the Maroua Declaration, which refers in its third paragraph to "Point 12 . . . situated at the end of the line of the maritime boundary adopted by the two Heads of State on April 4, 1971".

The Court considers that the Maroua Declaration constitutes an international agreement concluded between States in written form and tracing a boundary; it is thus governed by international law and constitutes a treaty in the sense of the Vienna Convention on the Law of

Treaties (see Art. 2, para. 1), to which Nigeria has been a party since 1969 and Cameroon since 1991, and which in any case reflects customary international law in this respect. The Court further considers that it cannot accept the argument that the Maroua Declaration was invalid under international law because it was signed by the Nigerian Head of State of the time but never ratified. It observes that, while in international practice a two-step procedure consisting of signature and ratification is frequently provided for in provisions regarding entry into force of a treaty, there are also cases where a treaty enters into force immediately upon signature. In the Court's opinion, the Maroua Declaration entered into force immediately upon its signature.

The Court then addresses Nigeria's argument that its constitutional rules regarding the conclusion of treaties were not complied with. In this regard the Court recalls that Article 46, paragraph 1, of the Vienna Convention provides that "[a] State may not invoke the fact that its consent to be bound by a treaty has been expressed in violation of a provision of its internal law regarding competence to conclude treaties as invalidating its consent". It is true that the paragraph goes on to say "unless that violation was manifest and concerned a rule of its internal law of fundamental importance", while paragraph 2 of Article 46 provides that "[a] violation is manifest if it would be objectively evident to any State conducting itself in the matter in accordance with normal practice and in good faith". The rules concerning the authority to sign treaties for a State are constitutional rules of fundamental importance. However, a limitation of a Head of State's capacity in this respect is not manifest in the sense of Article 46, paragraph 2, unless at least properly publicized. This is particularly so because Heads of State belong to the group of persons who, in accordance with Article 7, paragraph 2, of the Convention "[i]n virtue of their functions and without having to produce full powers" are considered as representing their State. With regard to the Nigerian argument that Cameroon knew, or ought to have known, that the Head of State of Nigeria had no power legally to bind Nigeria without consulting the Nigerian Government, the Court notes that there is no general legal obligation for States to keep themselves informed of legislative and constitutional developments in other States which are or may become important for the international relations of these States.

In these circumstances the Maroua Declaration, as well as the Yaoundé II Declaration, have to be considered as binding and as establishing a legal obligation on Nigeria. It follows that it is unnecessary for the Court to address Nigeria's argument regarding the oil practice in the sector up to point G. Thus the maritime boundary between Cameroon and Nigeria up to and including point G must be considered to have been established on a conventional basis by the Anglo-German Agreement of 11 March 1913, the Yaoundé II Declaration of 4 April 1971 and the Maroua Declaration of 1 June 1975, and takes the following course: starting from the straight line joining Bakassi Point and King Point, the line follows the "compromise line" jointly drawn at Yaoundé on 4 April 1971 by the Heads of State of Cameroon and Nigeria on British Admiralty Chart 3433 appended to the Yaoundé II Declaration of 4 April 1971, and consisting of 12 numbered points, whose precise co-ordinates were determined by the two countries' Joint Commission meeting in Lagos in June 1971; from point 12 on that compromise line the course of the boundary follows the line to point G specified in the Maroua Declaration of 1 June 1975, as corrected by the exchange of letters between the Heads of State of Cameroon and Nigeria of 12 June and 17 July 1975.

The maritime boundary beyond point G (paras. 269-307)

The Court then addresses the maritime boundary beyond point G, where no maritime boundary delimitation has been agreed.

The Court notes that in Cameroon's view this is a classic case of maritime delimitation between States with adjacent coasts which have been unable to reach agreement on the line to be drawn between their respective exclusive economic zones and continental shelves, although in this case the special circumstances of the geographical situation are particularly marked, and the Court is also required to take account of the interests of third States. As regards the exercise of delimitation, Cameroon argues that the law on the delimitation of maritime boundaries is dominated by the fundamental principle that any delimitation must lead to an equitable solution. In support of this contention, it cites paragraph 1 of Articles 74 and 83 of the 1982 Law of the Sea Convention and a number of decisions of this Court or of arbitral tribunals. Cameroon concludes that there is no single method of maritime delimitation; the choice of method depends on the circumstances specific to each case. Cameroon insists on the fact that the equidistance principle is not a principle of customary law that is automatically applicable in every maritime boundary delimitation between States whose coasts are adjacent, observing that, if a strict equidistance line were drawn, it would be entitled to practically no exclusive economic zone or continental shelf, despite the fact that it has a longer relevant coastline than Nigeria. The Court observes that Nigeria agrees that it is appropriate in the present case to determine a single maritime boundary, but that it rejects Cameroon's line. Nigeria describes that line as fanciful and constructed in defiance of the basic concepts and rules of international law. It criticizes both the line's construction and the "equitableness" of the result in light of the jurisprudence. It directs its criticism of the construction essentially to five points: the actual nature of the line; the relevant coasts used in its construction; the treatment of the islands in this construction; the definition of the area relevant to the delimitation; the method followed in the construction of the line. Nigeria further argues that the Parties' conduct in respect of the granting and exploitation of oil concessions, leading to the establishment of *de facto* lines, plays a very important role in establishing maritime boundaries. It contends that, within the area to be delimited, the Court cannot redistribute the oil concessions established by the practice of Nigeria, Equatorial Guinea and Cameroon, and that it must respect the configuration of the concessions in its determination of the course of the maritime boundary. Equatorial Guinea, the Court notes, requests that the boundary to be fixed by the Court should nowhere encroach upon the median line between its own coasts and those of Cameroon and Nigeria, which it regards as "a reasonable expression of its legal rights and interests that must not be transgressed in proceedings to which Equatorial Guinea is not a party". It has a number of specific criticisms of the "equitable line" proposed by Cameroon, of which, moreover, it claims it only became aware in December 1998.

The Court begins by observing that the maritime areas on whose delimitation it is to rule in this part of the Judgment lie beyond the outer limit of the respective territorial seas of the two States. The Court further recalls that the Parties agree that it is to rule on the maritime delimitation in accordance with international law. Both Cameroon and Nigeria are parties to the United Nations Law of the Sea Convention of 10 December 1982, which they ratified on 19 November 1985 and 14 August 1986 respectively. Accordingly the relevant provisions of that Convention are applicable, and in particular Articles 74 and 83 thereof, which concern delimitation of the continental shelf and the exclusive economic zone between States with opposite or adjacent coasts. Paragraph 1 of those Articles provides that such delimitation must be effected in such a way as to "achieve an equitable solution". The Court also notes that the Parties agreed in their written pleadings that the delimitation between their maritime areas should be effected by a single line.

The Court points out that it has on various occasions made it clear what the applicable criteria, principles and rules of delimitation are when a line covering several zones of coincident jurisdictions is to be determined. They are expressed in the so-called equitable principles/relevant circumstances method. This method, which is very similar to the equidistance/special circumstances method applicable in delimitation of the territorial sea, involves first drawing an equidistance line, then considering whether there are factors calling for the adjustment or shifting of that line in order to achieve an "equitable result". The Court observes that it will apply the same method in the present case.

Before it can draw an equidistance line and consider whether there are relevant circumstances that might make it necessary to adjust that line, the Court must, however, define the relevant coastlines of the Parties by reference to which the location of the base points to be used in the construction of the equidistance line will be determined. In the present case the Court cannot accept Cameroon's contention, on the one hand, that account should be taken of the coastline of the Gulf of Guinea from Akasso (Nigeria) to Cap Lopez (Gabon) in order to delimit Cameroon's maritime boundary with Nigeria, and, on the other, that no account should be taken of the greater part of the coastline of Bioko Island. Once the base points have been established in accordance with the abovementioned principles, it will be possible to determine the equidistance line between the relevant coastlines of the two States. As the Court has already had occasion to explain, this equidistance line cannot be extended beyond a point where it might affect rights of Equatorial Guinea.

The Court then considers whether there are circumstances that might make it necessary to adjust this equidistance line in order to achieve an equitable result. The Court feels bound to stress in this connection that delimiting with a concern to achieving an equitable result, as required by current international law, is not the same as delimiting in equity. The Court's jurisprudence shows that, in disputes relating to maritime delimitation, equity is not a method of delimitation, but solely an aim that should be borne in mind in effecting the delimitation. The geographical configuration of the maritime areas that the Court is called upon to delimit is a given. It is not an element open to modification by the Court but a fact on the basis of which the Court must effect the delimitation.

The Court notes in this respect that Cameroon contends that the concavity of the Gulf of Guinea in general, and of Cameroon's coastline in particular, creates a virtual enclavement of Cameroon, which constitutes a special circumstance to be taken into account in the delimitation process. Nigeria, for its part, argues that it is not for the Court to compensate Cameroon for any disadvantages suffered by it as a direct consequence of the geography of the area. It stresses that it is not the purpose of international law to refashion geography.

The Court finds that although it does not deny that the concavity of the coastline may be a circumstance relevant to delimitation, it nevertheless should stress that this can only be the case when such concavity lies within the area to be delimited. It notes that the sectors of coastline relevant to the present delimitation as determined above exhibit no particular concavity.

The Court then observes that Cameroon further contends that the presence of Bioko Island constitutes a relevant circumstance which should be taken into account by the Court for purposes of the delimitation. It argues that Bioko Island substantially reduces the seaward projection of Cameroon's coastline. Here again Nigeria takes the view that it is not for the Court to compensate Cameroon for any disadvantages suffered by it as a direct consequence of the geography of the area.

The Court points out that in the present case Bioko Island is subject to the sovereignty of Equatorial Guinea, a State which is not a party to the proceedings. Consequently the effect of Bioko Island on the seaward projection of the Cameroonian coastal front is an issue between Cameroon and Equatorial Guinea and not between Cameroon and Nigeria, and is not relevant to the issue of delimitation before the Court. The Court does not therefore regard the presence of Bioko Island as a circumstance that would justify the shifting of the equidistance line as Cameroon claims.

Lastly, Cameroon invokes the disparity between the length of its coastline and that of Nigeria in the Gulf of Guinea as a relevant circumstance that justifies shifting the delimitation line towards the north-west. For its part, Nigeria considers that Cameroon fails to respect the criteria of proportionality of coastline length, which would operate rather in Nigeria's favour.

The Court notes that in the present case, whichever coastline of Nigeria is regarded as relevant, the relevant coastline of Cameroon, as described in paragraph 291, is not longer than that of Nigeria. There is therefore no reason to shift the equidistance line in favour of Cameroon on this ground.

The Court finds that, before ruling on the delimitation line between Cameroon and Nigeria, it must still address the question raised by Nigeria whether the oil practice of the Parties provides helpful indications for purposes of the delimitation of their respective maritime areas.

Thus Nigeria contends that State practice with regard to oil concessions is a decisive factor in the establishment of maritime boundaries. In particular it takes the view that the Court cannot, through maritime delimitation, redistribute such oil concessions between the States party to the delimitation. Cameroon, for its part, maintains that the existence of oil concessions has never been accorded particular significance in matters of maritime delimitation in international law.

The Court concludes that, overall, it follows from its own case law and that of arbitral tribunals that, although the existence of an express or tacit agreement between the parties on the siting of their respective oil concessions may indicate a consensus on the maritime areas to which they are entitled, oil concessions and oil wells are not in themselves to be considered as relevant circumstances justifying the adjustment or shifting of the provisional delimitation line. Only if they are based on express or tacit agreement between the parties may they be taken into account. In the present case there is no agreement between the Parties regarding oil concessions. The Court is therefore of the opinion that the oil practice of the Parties is not a factor to be taken into account in the maritime delimitation in the present case.

Having further concluded that there were no other reasons that might have made an adjustment of the equidistance line necessary in order to achieve an equitable result, the Court decides that the equidistance line represents an equitable result for the delimitation of the area in respect of which it has jurisdiction to give a ruling.

The Court notes, however, that point G, which was determined by the two Parties in the Maroua Declaration of 1 June 1975, does not lie on the equidistance line between Cameroon and Nigeria, but to the east of that line. Cameroon is therefore entitled to request that from point G the boundary of the Parties' respective maritime areas should return to the equidistance line. The Court considers that from point G the delimitation line should directly join the equidistance line at a point with co-ordinates 8° 21′ 20″ longitude east and 4° 17′ 00″ latitude north, which will be called X. The boundary will turn at point X and continue southwards along the equidistance line. However, the equidistance line adopted by the Court cannot be extended very far. The Court has already stated that it can take no decision that might affect rights of Equatorial Guinea, which is not a party to the proceedings. In these circumstances the Court considers that it can do no more than indicate the general direction, from point X, of the boundary between the Parties' maritime areas. The boundary will follow a loxodrome having an azimuth of 187° 52′ 27″.

Cameroon's submissions on Nigeria's State responsibility and Nigeria's counter-claims regarding Cameroon's State responsibility (paras. 308-324)

The Court finally addresses Cameroon's submissions concerning Nigeria's State responsibility and Nigeria's counter-claims concerning Cameroon's State responsibility.

In this connection, Cameroon puts forward two separate series of submissions concerning, on the one hand, the Lake Chad area and the Bakassi Peninsula and, on the other, the remaining sectors of the boundary.

The Court recalls that in paragraphs 57, 60, 61 and 225 of its Judgment it fixed the boundary between the two States in the Lake Chad area and the Bakassi Peninsula. It observes that Nigeria does not deny that Nigerian armed forces and a Nigerian administration are currently in place in these areas which the Court has determined are Cameroonian territory, adding in respect of the establishment of the municipality of Bakassi that, if the Court were to recognize Cameroon's sovereignty over such areas, there is nothing irreversible in the relevant arrangements made by Nigeria. The same reasoning clearly applies to other spheres of civil administration, as well as to military or police forces. The Court notes that Nigeria is under an obligation expeditiously and without condition to withdraw its administration and its military and police forces from that area of Lake Chad which falls within Cameroon's sovereignty and from the Bakassi Peninsula.

The Court further observes that Cameroon is under an obligation expeditiously and without condition to withdraw any administration or military or police forces which may be present in areas along the land boundary from Lake Chad to the Bakassi Peninsula which pursuant to the present Judgment fall within the sovereignty of Nigeria. Nigeria has the same obligation in regard to any administration or military or police forces which may be present in areas along the land boundary from Lake Chad to the Bakassi Peninsula which pursuant to the present Judgment fall within the sovereignty of Cameroon.

The Court also notes that the implementation of the present Judgment will afford the Parties a beneficial opportunity to co-operate in the interests of the population concerned, in order notably to enable it to continue to have access to educational and health services comparable to those it currently enjoys. Such co-operation will be especially helpful, with a view to the maintenance of security, during the withdrawal of the

Nigerian administration and military and police forces. Moreover, on 21 March 2002 the Agent of Cameroon stated before the Court that "over three million Nigerians live on Cameroonian territory, where, without any restriction, they engage in various activities, and are well integrated into Cameroonian society". He went on to declare that, "faithful to its traditional policy of hospitality and tolerance, Cameroon will continue to afford protection to Nigerians living in the [Bakassi] Peninsula and in the Lake Chad area". The Court takes note with satisfaction of the commitment thus undertaken in respect of these areas where many Nigerian nationals reside.

The Court, moreover, does not uphold Cameroon's submissions with regard to obtaining guarantees of non-repetition in the future, considering that it could not envisage a situation where either Party would fail to respect the territorial sovereignty of the other Party, now that the land and maritime boundary between the two States had been specified by the Court in definitive and mandatory terms.

In the circumstances of the case, the Court considers moreover that, by the very fact of its Judgment and of the evacuation of the Cameroonian territory occupied by Nigeria, the injury suffered by Cameroon by reason of the occupation of its territory will in all events have been sufficiently addressed. The Court does not therefore seek to ascertain whether and to what extent Nigeria's responsibility to Cameroon has been engaged as a result of that occupation.

Finally, concerning various boundary incidents, the Court finds that neither of the Parties sufficiently proves the facts which it alleges, or their imputability to the other Party. The Court is therefore unable to uphold either Cameroon's submissions or Nigeria's counter-claims based on the incidents cited.

*

Operative paragraph (para. 325):

> "For these reasons,
>
> THE COURT,
>
> I. (A) By fourteen votes to two,
>
> *Decides* that the boundary between the Republic of Cameroon and the Federal Republic of Nigeria in the Lake Chad area is delimited by the Thomson-Marchand Declaration of 1929-1930, as incorporated in the Henderson-Fleuriau Exchange of Notes of 1931;
>
> IN FAVOUR: *President* Guillaume; *Vice-President* Shi; *Judges* Oda, Ranjeva, Herczegh, Fleischhauer, Higgins, Parra-Aranguren, Kooijmans, Rezek, Al-Khasawneh, Buergenthal, Elaraby; *Judge* ad hoc Mbaye;
>
> AGAINST: *Judge* Koroma; *Judge* ad hoc Ajibola;
>
> (B) By fourteen votes to two,
>
> *Decides* that the line of the boundary between the Republic of

Cameroon and the Federal Republic of Nigeria in the Lake Chad area is as follows:

From a tripoint in Lake Chad lying at 14° 04′59″9999 longitude east and 13° 05′ latitude north, in a straight line to the mouth of the River Ebeji, lying at 14° 12′12″ longitude east and 12° 32′17″ latitude north; and from there in a straight line to the point where the River Ebeji bifurcates, located at 14° 12′03″ longitude east and 12° 30′14″ latitude north;

IN FAVOUR: *President* Guillaume; *Vice-President* Shi; *Judges* Oda, Ranjeva, Herczegh, Fleischhauer, Higgins, Parra-Aranguren, Kooijmans, Rezek, Al-Khasawneh, Buergenthal, Elaraby; *Judge* ad hoc Mbaye;

AGAINST: *Judge* Koroma; *Judge* ad hoc Ajibola;

II. (A) By fifteen votes to one,

Decides that the land boundary between the Republic of Cameroon and the Federal Republic of Nigeria is delimited, from Lake Chad to the Bakassi Peninsula, by the following instruments:

(i) from the point where the River Ebeji bifurcates as far as Tamnyar Peak, by paragraphs 2 to 60 of the Thomson-Marchand Declaration of 1929-1930, as incorporated in the Henderson-Fleuriau Exchange of Notes of 1931;
(ii) from Tamnyar Peak to pillar 64 referred to in Article XII of the Anglo-German Agreement of 12 April 1913, by the British Order in Council of 2 August 1946;
(iii) from pillar 64 to the Bakassi Peninsula, by the Anglo-German Agreements of 11 March and 12 April 1913;

IN FAVOUR: *President* Guillaume; *Vice-President* Shi; *Judges* Oda, Ranjeva, Herczegh, Fleischhauer, Higgins, Parra-Aranguren, Kooijmans, Rezek, Al-Khasawneh, Buergenthal, Elaraby; *Judges* ad hoc Mbaye, Ajibola;

AGAINST: *Judge* Koroma;

(B) Unanimously,

Decides that the aforesaid instruments are to be interpreted in the manner set out in paragraphs 91, 96, 102, 114, 119, 124, 129, 134, 139, 146, 152, 155, 160, 168, 179, 184 and 189 of the present Judgment;

III. (A) By thirteen votes to three,

Decides that the boundary between the Republic of Cameroon and the Federal Republic of Nigeria in Bakassi is delimited by Articles XVIII to XX of the Anglo-German Agreement of 11 March 1913;

IN FAVOUR: *President* Guillaume; *Vice-President* Shi; *Judges* Oda, Ranjeva, Herczegh, Fleischhauer, Higgins, Parra-Aranguren, Kooijmans, Al-Khasawneh, Buergenthal, Elaraby; *Judge* ad hoc Mbaye;

AGAINST: *Judges* Koroma, Rezek; *Judge* ad hoc Ajibola;

(B) By thirteen votes to three,

Decides that sovereignty over the Bakassi Peninsula lies with the Republic of Cameroon;

IN FAVOUR: *President* Guillaume; *Vice-President* Shi; *Judges* Oda, Ranjeva, Herczegh, Fleischhauer, Higgins, Parra-Aranguren, Kooijmans, Al-Khasawneh, Buergenthal, Elaraby; *Judge* ad hoc Mbaye;

AGAINST: *Judges* Koroma, Rezek; *Judge* ad hoc Ajibola;

(C) By thirteen votes to three,

Decides that the boundary between the Republic of Cameroon and the Federal Republic of Nigeria in Bakassi follows the thalweg of the Akpakorum (Akwayafe) River, dividing the Mangrove Islands near Ikang in the way shown on map TSGS 2240, as far as the straight line joining Bakassi Point and King Point;

IN FAVOUR: *President* Guillaume; *Vice-President* Shi; *Judges* Oda, Ranjeva, Herczegh, Fleischhauer, Higgins, Parra-Aranguren, Kooijmans, Al-Khasawneh, Buergenthal, Elaraby; *Judge* ad hoc Mbaye;

AGAINST: *Judges* Koroma, Rezek; *Judge* ad hoc Ajibola;

IV. (A) By thirteen votes to three,

Finds, having addressed Nigeria's eighth preliminary objection, which it declared in its Judgment of 11 June 1998 not to have an exclusively preliminary character in the circumstances of the case, that it has jurisdiction over the claims submitted to it by the Republic of Cameroon regarding the delimitation of the maritime areas appertaining respectively to the Republic of Cameroon and to the Federal Republic of Nigeria, and that those claims are admissible;

IN FAVOUR: *President* Guillaume; *Vice-President* Shi; *Judges* Ranjeva, Herczegh, Fleischhauer, Higgins, Parra-Aranguren, Kooijmans, Rezek, Al-Khasawneh, Buergenthal, Elaraby; *Judge* ad hoc Mbaye;

AGAINST: *Judges* Oda, Koroma; *Judge* ad hoc Ajibola;

(B) By thirteen votes to three,

Decides that, up to point G below, the boundary of the maritime areas appertaining respectively to the Republic of Cameroon and to the Federal Republic of Nigeria takes the following course:

- starting from the point of intersection of the centre of the navigable channel of the Akwayafe River with the straight line joining Bakassi Point and King Point as referred to in point III (C) above, the boundary follows the 'compromise line' drawn jointly at Yaoundé on 4 April 1971 by the Heads of State of Cameroon and Nigeria on British Admiralty Chart 3433 (Yaoundé II Declaration) and passing through 12 numbered points, whose co-ordinates are as follows:

	Longitude	*Latitude*
point 1:	8° 30′44″E,	4° 40′28″N
point 2:	8° 30′00″E,	4° 40′00″N
point 3:	8° 28′50″E,	4° 39′00″N
point 4:	8° 27′52″E,	4° 38′00″N
point 5:	8° 27′09″E,	4° 37′00″N
point 6:	8° 26′36″E,	4° 36′00″N
point 7:	8° 26′03″E,	4° 35′00″N
point 8:	8° 25′42″E,	4° 34′18″N
point 9:	8° 25′35″E,	4° 34′00″N
point 10:	8° 25′08″E,	4° 33′00″N
point 11:	8° 24′47″E,	4° 32′00″N
point 12:	8° 24′38″E,	4° 31′26″N;

from point 12, the boundary follows the line adopted in the Declaration signed by the Heads of State of Cameroon and Nigeria at Maroua on 1 June 1975 (Maroua Declaration), as corrected by the exchange of letters between the said Heads of State of 12 June and 17 July 1975; that line passes through points A to G, whose co-ordinates are as follows:

	Longitude	*Latitude*
point A:	8° 24′24″E,	4° 31′30″N
point A1:	8° 24′24″E,	4° 31′20″N
point B:	8° 24′10″E,	4° 26′32″N
point C:	8° 23′42″E,	4° 23′28″N
point D:	8° 22′41″E,	4° 20′00″N
point E:	8° 22′17″E,	4° 19′32″N
point F:	8° 22′19″E,	4° 18′46″N
point G:	8° 22′19″E,	4° 17′00″N;

IN FAVOUR: *President* Guillaume; *Vice-President* Shi; *Judges* Oda, Ranjeva, Herczegh, Fleischhauer, Higgins, Parra-Aranguren, Kooijmans, Al-Khasawneh, Buergenthal, Elaraby; *Judge* ad hoc Mbaye;

AGAINST: *Judges* Koroma, Rezek; *Judge* ad hoc Ajibola;

(C) Unanimously,

Decides that, from point G, the boundary line between the maritime areas appertaining respectively to the Republic of Cameroon and to the Federal Republic of Nigeria follows a loxodrome having an azimuth of 270° as far as the equidistance line passing through the midpoint of the line joining West Point and East Point; the boundary meets this equidistance line at a point X, with co-ordinates 8° 21′20″ longitude east and 4° 17′00″ latitude north;

(D) Unanimously,

Decides that, from point X, the boundary between the maritime areas appertaining respectively to the Republic of Cameroon and to the Federal Republic of Nigeria follows a loxodrome having an azimuth of 187° 52′ 27″;

V. (A) By fourteen votes to two,

Decides that the Federal Republic of Nigeria is under an obligation expeditiously and without condition to withdraw its administration and its military and police forces from the territories which fall within the sovereignty of the Republic of Cameroon pursuant to points I and III of this operative paragraph;

IN FAVOUR: *President* Guillaume; *Vice-President* Shi; *Judges* Oda, Ranjeva, Herczegh, Fleischhauer, Higgins, Parra-Aranguren, Kooijmans, Rezek, Al-Khasawneh, Buergenthal, Elaraby; *Judge* ad hoc Mbaye;

AGAINST: *Judge* Koroma; *Judge* ad hoc Ajibola;

(B) Unanimously,

Decides that the Republic of Cameroon is under an obligation expeditiously and without condition to withdraw any administration or military or police forces which may be present in the territories which fall within the sovereignty of the Federal Republic of Nigeria pursuant to point II of this operative paragraph. The Federal Republic of Nigeria has the same obligation in respect of the territories which fall within the sovereignty of the Republic of Cameroon pursuant to point II of this operative paragraph;

(C) By fifteen votes to one,

Takes note of the commitment undertaken by the Republic of Cameroon at the hearings that, 'faithful to its traditional policy of hospitality and tolerance', it 'will continue to afford protection to Nigerians living in the [Bakassi] Peninsula and in the Lake Chad area';

IN FAVOUR: *President* Guillaume; *Vice-President* Shi; *Judges* Oda, Ranjeva, Herczegh, Fleischhauer, Koroma, Higgins, Kooijmans, Rezek, Al-Khasawneh, Buergenthal, Elaraby, *Judges* ad hoc Mbaye, Ajibola;

AGAINST: *Judge* Parra-Aranguren;

(D) Unanimously,

Rejects all other submissions of the Republic of Cameroon regarding the State responsibility of the Federal Republic of Nigeria;

(E) Unanimously,

Rejects the counter-claims of the Federal Republic of Nigeria."

*

Judge Oda appended a declaration to the Judgment of the Court; Judge Ranjeva a separate opinion; Judge Herczegh a declaration; Judge Koroma a dissenting opinion; Judge Parra-Aranguren a separate opinion;

Judge Rezek a declaration; Judge Al-Khasawneh and Judge *ad hoc* Mbaye separate opinions; and Judge *ad hoc* Ajibola a dissenting opinion.

7. Sovereignty over Pulau Ligitan and Pulau Sipadan
(Indonesia/Malaysia)

On 2 November 1998 Indonesia and Malaysia jointly notified the Court of a Special Agreement, which was signed between them on 31 May 1997 at Kuala Lumpur and entered into force on 14 May 1998, with regard to their dispute concerning sovereignty over Pulau Ligitan and Pulau Sipadan, two islands in the Celebes Sea.

In the Special Agreement, the Parties requested the Court "to determine on the basis of the treaties, agreements and any other evidence furnished by [them], whether sovereignty over Pulau Ligitan and Pulau Sipadan belong[s] to the Republic of Indonesia or to Malaysia". They further expressed the wish to settle their dispute "in the spirit of friendly relations existing between [them] as enunciated in the 1976 Treaty of Amity and Co-operation in Southeast Asia" and declared in advance that they would "accept the Judgment of the Court . . . as final and binding upon them".

Each of the Parties filed a Memorial, a Counter-Memorial and a Reply within the respective time-limits of 2 November 1999, 2 August 2000 and 2 March 2001, fixed or extended by the Court or its President.

On 13 March 2001 the Philippines filed an Application for permission to intervene in the case. In its Application, the Philippines stated that it wished to intervene in the proceedings in order

> "to preserve and safeguard [its Government's] historical and legal rights . . . arising from its claim to dominion and sovereignty over the territory of North Borneo, to the extent that these rights are affected, or may be affected, by a determination of the Court of the question of sovereignty over Pulau Ligitan and Pulau Sipadan; . . . to inform the . . . Court of the nature and extent of [those] rights[; and] to appreciate more fully the indispensable role of the . . . Court in comprehensive conflict prevention".

The Philippines made it clear that it did not seek to become a party to the case. In their written observations, filed within the time-limit fixed by the Court, Indonesia and Malaysia objected to the Application for permission to intervene by the Philippines. After public hearings had been held from 25 to 29 June 2001, the Court, on 23 October 2001, delivered its Judgment (*I.C.J. Reports 2001*, p. 575), by which it rejected the request of the Philippines for permission to intervene.

Public hearings on the merits were held from 3 to 12 June 2002. On 17 December 2002, the Court delivered its Judgment on the merits of the case (*I.C.J. Reports 2002*, p. 625), a summary of which is given below, followed by the text of the operative paragraph:

History of the proceedings and claims of the Parties (paras. 1-13)

The Court begins by reciting the history of the proceedings and the submissions of the Parties.

Historical background (paras. 15-31)

The Court then gives an overview of the complex historical background of the dispute between the Parties.

Bases of the Parties' claims (paras. 32 and 33)

The Court notes that Indonesia's claim to sovereignty over the islands of Ligitan and Sipadan rests primarily on the Convention which Great Britain and the Netherlands concluded on 20 June 1891 for the purpose of "defining the boundaries between the Netherland possessions in the Island of Borneo and the States in that Island which [were] under British protection". Indonesia also relies on a series of *effectivités*, both Dutch and Indonesian, which it claims confirm its conventional title. At the oral proceedings Indonesia further contended, by way of alternative argument, that if the Court were to reject its title based on the 1891 Convention, it could still claim sovereignty over the disputed islands as successor to the Sultan of Bulungan, because he had possessed authority over the islands.

For its part, Malaysia contends that it acquired sovereignty over the islands of Ligitan and Sipadan following a series of alleged transmissions of the title originally held by the former sovereign, the Sultan of Sulu. Malaysia claims that the title subsequently passed, in succession, to Spain, to the United States, to Great Britain on behalf of the State of North Borneo, to the United Kingdom of Great Britain and Northern Ireland, and finally to Malaysia itself. It argues that its title, based on this series of legal instruments, is confirmed by a certain number of British and Malaysian *effectivités* over the islands. It argues in the alternative that, if the Court were to conclude that the disputed islands had originally belonged to the Netherlands, its *effectivités* would in any event have displaced any such Netherlands title.

The 1891 Convention between Great Britain and the Netherlands (paras. 34-92)

The Court notes that Indonesia's main claim is that sovereignty over the islands of Ligitan and Sipadan belongs to it by virtue of the 1891 Convention. Indonesia maintains that "[t]he Convention, by its terms, its context, and its object and purpose, established the 4° 10′ N parallel of latitude as the dividing line between the Parties' respective possessions in the area now in question". It states in this connection that its position is not that "the 1891 Convention line was from the outset intended also to be, or in effect was, a maritime boundary . . . east of Sebatik island" but that "the line must be considered an allocation line: land areas, including islands located to the north of 4° 10′ N latitude were . . . considered to be British, and those lying to the south were Dutch". As the disputed islands lie to the south of that parallel, "[i]t therefore follows that under the Convention title to those islands vested in The Netherlands, and now vests in Indonesia".

Indonesia relies essentially on Article IV of the 1891 Convention in support of its claim to the islands of Ligitan and Sipadan. That provision reads as follows:

> "From 4° 10′ north latitude on the east coast the boundary-line shall be continued eastward along that parallel, across the Island of Sebittik: that portion of the island situated to the north of that parallel shall belong unreservedly to the British North Borneo Company, and the portion south of that parallel to the Netherlands."

The Parties disagree over the interpretation to be given to that provision.

Interpretation of the 1891 Convention (paras. 37-92)

The Court notes that Indonesia is not a party to the Vienna Convention of 23 May 1969 on the Law of Treaties; the Court would nevertheless recall that, in accordance with customary international law, reflected in Articles 31 and 32 of that Convention:

> "a treaty must be interpreted in good faith in accordance with the ordinary meaning to be given to its terms in their context and in the light of its object and purpose. Interpretation must be based above all upon the text of the treaty. As a supplementary measure recourse may be had to means of interpretation such as the preparatory work of the treaty and the circumstances of its conclusion."

It further recalls that, with respect to Article 31, paragraph 3, it has had occasion to state that this provision also reflects customary law, stipulating that there shall be taken into account, together with the context, the subsequent conduct of the parties to the treaty, i.e., "any subsequent agreement" (subpara. *(a)*) and "any subsequent practice" (subpara. *(b)*).

The Court observes that Indonesia does not dispute that these are the applicable rules.

The text of Article IV (paras. 39-43)

With respect to the terms of Article IV, Indonesia maintains that this Article contains nothing to suggest that the line stops at the east coast of Sebatik Island. According to Malaysia, the plain and ordinary meaning of the words "across the Island of Sebittik" is to describe, "in English and in Dutch, a line that crosses Sebatik from the west coast to the east coast and goes no further".

The Court notes that the Parties differ as to how the preposition "across" (in the English) or *"over"* (in the Dutch) in the first sentence of Article IV of the 1891 Convention should be interpreted. It acknowledges that the word is not devoid of ambiguity and is capable of bearing either of the meanings given to it by the Parties. A line established by treaty may indeed pass "across" an island and terminate on the shores of such island or continue beyond it.

The Parties also disagree on the interpretation of the part of the same sentence which reads "the boundary-line shall be continued eastward along that parallel [4° 10′ north]". In the Court's view, the phrase "shall be continued" is also not devoid of ambiguity. Article I of the Convention defines the starting point of the boundary between the two States, whilst Articles II and III describe how that boundary continues from one part to the next. Therefore, when Article IV provides that "the boundary-line shall be continued" again from the east coast of Borneo along the 4° 10′ N parallel and across the island of Sebatik, this does not, contrary to Indonesia's contention, necessarily mean that the line continues as an allocation line beyond Sebatik.

The Court moreover considers that the difference in punctuation in the two versions of Article IV of the 1891 Convention does not as such help elucidate the meaning of the text with respect to a possible extension of the line out to sea, to the east of Sebatik Island.

The Court observes that any ambiguity could have been avoided had the Convention expressly stipulated that the 4° 10′ N parallel constituted, beyond the east coast of Sebatik, the line separating the islands under British sovereignty from those under Dutch sovereignty. In these circumstances, the silence in the text cannot be ignored. It supports the position of Malaysia.

The context (paras. 44-48)

Having summarized the Parties' arguments concerning the context of the 1891 Convention, the Court considers that the Dutch Explanatory Memorandum appended to the draft Law submitted to the Netherlands States-General with a view to ratification of the Convention, the only document relating to the Convention to have been published during the period when the latter was concluded, provides useful information on a certain number of points.

First, the Memorandum refers to the fact that, in the course of the prior negotiations, the British delegation had proposed that the boundary line should run eastwards from the east coast of North Borneo, passing between the islands of Sebatik and East Nanukan. As regards Sebatik, the Memorandum explains that the island's partition had been agreed following a proposal by the Dutch Government and was considered necessary in order to provide access to the coastal regions allocated to each party. The Memorandum contains no reference to the disposition of other islands lying further to the east, and in particular there is no mention of Ligitan or Sipadan.

As regards the map appended to the Explanatory Memorandum, the Court notes that this shows four differently coloured lines, the boundary eventually agreed being represented by a red line. On the map, the red line continues out to the sea along parallel 4° 10′ N to the south of Mabul Island, such an extension out to sea having not been commented in the Memorandum, nor discussed in the Dutch Parliament. It also notes that this map shows only a number of islands situated to the north of parallel 4° 10′; apart from a few reefs, no island is shown to the south of that line. It further notes that there is nothing in the case file either to suggest that Ligitan and Sipadan, or other islands such as Mabul, were territories disputed between Great Britain and the Netherlands at the time when the Convention was concluded. The Court cannot therefore accept the argument of Indonesia that the red line on the map was extended in order to settle any dispute in the waters beyond Sebatik, with the consequence that Ligitan and Sipadan were attributed to the Netherlands.

Nor does the Court accept Indonesia's argument regarding the legal value of the map appended to the Explanatory Memorandum. The Court observes that the Explanatory Memorandum and map were never transmitted by the Dutch Government to the British Government, but were simply forwarded to the latter by its diplomatic agent in The Hague. The British Government did not react to this internal transmission. The Court then notes that such a lack of reaction to the line on the map appended to the Memorandum cannot be deemed to constitute acquiescence in this line. The Court concludes from the foregoing that the map cannot be considered either an "agreement relating to [a] treaty which was made between all the parties in connection with the conclusion of the treaty", within the meaning of Article 31, paragraph 2 *(a)*, of the Vienna Convention, or an "instrument which was made by [a] part[y] in connection with the conclusion of the treaty and accepted by the other parties as an instrument related to that treaty", within the meaning of Article 31, paragraph 2 *(b)*, of the Vienna Convention.

The object and purpose of the 1891 Convention (paras. 49-51)

Having examined the arguments of Indonesia and Malaysia, the Court considers that the object and purpose of the 1891 Convention was the delimitation of boundaries between the parties' possessions within the island of Borneo itself, as shown by the preamble to the Convention, which provides that the parties were "desirous of defining the boundaries between the Netherlands possessions in the Island of Borneo and the States *in that island* which are under British protection" (emphasis added by the Court). This interpretation is, in the Court's view, supported by the very scheme of the 1891 Convention. The Court does not find anything in the Convention to suggest that the parties intended to delimit the boundary between their possessions to the east of the islands of Borneo and Sebatik or to attribute sovereignty over any other islands.

The Court accordingly concludes that the text of Article IV of the 1891 Convention, when read in context and in the light of the Convention's object and purpose, cannot be interpreted as establishing an allocation line determining sovereignty over the islands out to sea, to the east of the island of Sebatik.

Supplementary means to seek possible confirmation of Court's interpretation: "travaux préparatoires" of the 1891 Convention and circumstances of its conclusion (paras. 53-58)

In view of the foregoing, the Court considers that it is not necessary to resort to supplementary means of interpretation, such as the *travaux préparatoires* of the 1891 Convention and the circumstances of its conclusion, to determine the meaning of that Convention; however, as in other cases, it considers that it can have recourse to such supplementary means in order to seek a possible confirmation of its interpretation of the text of the Convention.

The Court observes that following its formation, in May 1882, the British North Borneo Company (BNBC) asserted rights which it believed it had acquired from Alfred Dent and Baron von Overbeck — who themselves acquired them from the Sultan of Sulu — to territories situated on the north-eastern coast of the island of Borneo (in the State of Tidoeng "as far south as the Sibuco River"); confrontations then occurred between the Company and the Netherlands, the latter asserting its rights to the Sultan of Bulungan's possessions, "with inclusion of the Tidoeng *territories*" (emphasis in the original). These were the circumstances in which Great Britain and the Netherlands set up a Joint Commission in 1889 to discuss the bases for an agreement to settle the dispute.

The Joint Commission met three times and devoted itself almost exclusively to questions relating to the disputed area of the north-east coast of the island of Borneo. It was only at the last meeting, held on 27 July 1889, that the British delegation proposed that the boundary should pass between the islands of Sebatik and East Nanukan. The Netherlands had rejected the British proposal. The specific idea of Sebatik Island being divided along the 4° 10′ N parallel was only introduced later. In a letter of 2 February 1891 the Netherlands agreed with this partition.

During the negotiations, the parties used various sketch-maps to illustrate their proposals and opinions. The Court considers that it is impossible to deduce anything at all from the length of the lines on these sketch-maps.

The Court concludes that neither the *travaux préparatoires* of the Convention nor the circumstances of its conclusion can be regarded as supporting the position of Indonesia when it contends that the parties to the Convention agreed not only on the course of the land boundary but also on an allocation line beyond the east coast of Sebatik.

Subsequent practice (paras. 59-80)

The Court observes that the relations between the Netherlands and the Sultanate of Bulungan were governed by a series of contracts entered into between them. The Contracts of 12 November 1850 and 2 June 1878 laid down the limits of the Sultanate. These limits extended to the north of the land boundary that was finally agreed in 1891 between the Netherlands and Great Britain. For this reason the Netherlands had consulted the Sultan before concluding the Convention with Great Britain and was moreover obliged in 1893 to amend the 1878 Contract in order to take into account the delimitation of 1891. The new text stipulated that the islands of Tarakan and Nanukan, and that portion of the island of Sebatik situated to the south of the boundary line, belonged to Bulungan, together with "the small islands belonging to the above islands, so far as they are situated to the south of the boundary-line". The Court observes that these three islands are surrounded by many smaller islands that could be said to "belong" to them geographically. The Court, however, considers that this cannot apply to Ligitan and Sipadan, which are situated more than 40 nautical miles away from the three islands in question.

The Court then recalls that the 1891 Convention included a clause providing that the parties would in the future be able to define the course of the boundary line more exactly. Thus, Article V of the Convention states:

> "The exact positions of the boundary-line, as described in the four preceding Articles, shall be determined hereafter by mutual agreement, at such times as the Netherlands and the British Governments may think fit."

The first such agreement was the one signed at London by Great Britain and the Netherlands on 28 September 1915 relating to "the boundary between the State of North Borneo and the Netherlands possessions in Borneo". By that Agreement, the two States approved and confirmed a joint report, incorporated into that Agreement, and the map annexed thereto, which had been drawn up by a mixed Commission. The Commissioners started their work on the east coast of Sebatik and, from east to west, undertook to "delimitate on the spot the frontier" agreed in 1891, as indicated in the preamble to the Agreement. In the Court's view, the Commissioners' assignment was not simply a demarcation exercise, the task of the parties being to clarify the course of a line which could only be imprecise in view of the somewhat general wording of the 1891 Convention and the line's considerable length. The Court finds that the intention of the parties to clarify the 1891 delimitation and the complementary nature of the demarcation operations become very clear when the text of the Agreement is examined carefully. Thus the Agreement indicates that "[w]here physical features did not present natural boundaries conformable with the provisions of the Boundary Treaty of the 20th June, 1891, [the Commissioners] erected the following pillars". Moreover, the Court observes that the course of the boundary line finally adopted in the 1915 Agreement does not totally correspond to that of the 1891 Convention.

In view of the foregoing, the Court does not accept Indonesia's argument that the 1915 Agreement was purely a demarcation agreement; nor can it accept the conclusion drawn therefrom by Indonesia that the very nature of this Agreement shows that the parties were not required to concern themselves therein with the course of the line out to sea to the east of Sebatik Island.

After examining the title and preamble of the 1915 Agreement and the terms of the joint report of the Commission, the Court concludes that the 1915 Agreement covered *a priori* the entire boundary "between the Netherlands territory and the State of British North Borneo" and that the Commissioners performed their task beginning at the eastern end of Sebatik. In the opinion of the Court, if the boundary had continued in any way to the east of Sebatik, at the very least some mention of that could have been expected in the Agreement. The Court, in addition, considers that an examination of the map annexed to the 1915 Agreement reinforces its interpretation of that Agreement.

The Court is further of the view that a debate, referred to by Indonesia, that took place within the Dutch Government between 1922 and 1926 over whether the issue of the delimitation of the territorial waters off the east coast of the island of Sebatik should be raised with the British Government, suggests that, in the 1920s, the best informed Dutch authorities did not consider that there had been agreement in 1891 on the extension out to sea of the line drawn on land along the 4° 10′ north parallel.

The Court finally is of the opinion that it cannot draw any conclusion for purposes of interpreting Article IV of the 1891 Convention from the practice of the Parties in awarding oil concessions.

In view of all the foregoing, the Court considers that an examination of the subsequent practice of the parties to the 1891 Convention confirms the conclusions at which the Court has arrived in paragraph 52 above as to the interpretation of Article IV of that Convention.

Maps (paras. 81-91)

The Court observes that no map reflecting the agreed views of the parties was appended to the 1891 Convention, which would have officially expressed the will of Great Britain and the Netherlands as to the prolongation of the boundary line, as an allocation line, out to sea to the east of Sebatik Island.

It notes that in the course of the proceedings, the Parties made particular reference to two maps: the map annexed to the Explanatory Memorandum appended by the Netherlands Government to the draft Law submitted to the States-General for the ratification of the 1891 Convention, and the map annexed to the 1915 Agreement. The

Court has already set out its findings as to the legal value of these maps (see paragraphs 47, 48 and 72 above).

Having examined the other maps produced by the Parties, the Court finds that, in sum, with the exception of the map annexed to the 1915 Agreement (see above), the cartographic material submitted by the Parties is inconclusive in respect of the interpretation of Article IV of the 1891 Convention.

*

The Court ultimately comes to the conclusion that Article IV, interpreted in its context and in the light of the object and purpose of the Convention, determines the boundary between the two Parties up to the eastern extremity of Sebatik Island and does not establish any allocation line further eastwards. That conclusion is confirmed both by the *travaux préparatoires* and by the subsequent conduct of the parties to the 1891 Convention.

Title by succession (paras. 93-125)

The Court then turns to the question whether Indonesia or Malaysia obtained title to Ligitan and Sipadan by succession. The Court recalls that Indonesia contended during the second round of the oral proceedings that, if the Court were to dismiss its claim to the islands in dispute on the basis of the 1891 Convention, it would nevertheless have title as successor to the Netherlands, which in turn acquired its title through contracts with the Sultan of Bulungan, the original title-holder. Malaysia contends that Ligitan and Sipadan never belonged to the possessions of the Sultan of Bulungan.

The Court observes that it has already dealt with the various contracts of vassalage concluded between the Netherlands and the Sultan of Bulungan when it considered the 1891 Convention. It recalls that in the 1878 Contract the island possessions of the Sultan were described as "Terekkan [Tarakan], Nanoekan [Nanukan] and Sebittikh [Sebatik], with the islets belonging thereto". As amended in 1893, this list refers to the three islands and surrounding islets in similar terms while taking into account the division of Sebatik on the basis of the 1891 Convention. The Court further recalls that it stated above that the words "the islets belonging thereto" can only be interpreted as referring to the small islands lying in the immediate vicinity of the three islands which are mentioned by name, and not to islands which are located at a distance of more than 40 nautical miles. The Court therefore cannot accept Indonesia's contention that it inherited title to the disputed islands from the Netherlands through these contracts, which stated that the Sultanate of Bulungan as described in the contracts formed part of the Netherlands Indies.

The Court then recalls that for its part Malaysia maintains that it acquired sovereignty over the islands of Ligitan and Sipadan further to a series of alleged transfers of the title originally held by the former sovereign, the Sultan of Sulu, that title having allegedly passed in turn to Spain, the United States, Great Britain on behalf of the State of North Borneo, the United Kingdom of Great Britain and Northern Ireland and finally to Malaysia. It is this "chain of title" which, according to Malaysia, provides it with a treaty-based title to Ligitan and Sipadan.

The Court notes at the outset that the islands in dispute are not mentioned by name in any of the international legal instruments presented by Malaysia to prove the alleged consecutive transfers of title. It further notes that the two islands were not included in the grant by which the Sultan of Sulu ceded all his rights and powers over his possessions in Borneo, including the islands within a limit of 3 marine leagues, to Alfred Dent and Baron von Overbeck on 22 January 1878, a fact not contested by the Parties. Finally, the Court observes that, while the Parties both maintain that the islands of Ligitan and Sipadan were not *terrae nullius* during the period in question in the present case, they do so on the basis of diametrically opposed reasoning, each of them claiming to hold title to those islands.

The Court first deals with the question whether Ligitan and Sipadan were part of the possessions of the Sultan of Sulu. In all relevant documents, the Sultanate is invariably described as "the Archipelago of Sulu and the dependencies thereof" or "the Island of Sooloo with all its dependencies". These documents, however, provide no answer to the question whether Ligitan and Sipadan, which are located at a considerable distance from the main island of Sulu, were part of the Sultanate's dependencies. The Court further refers to Malaysia's allegation of the existence of ties of allegiance between the Sultan of Sulu and the Bajau Laut who inhabited the islands off the coast of North Borneo and who from time to time may have made use of the two uninhabited islands. The Court is of the opinion that such ties may well have existed but that they are in themselves not sufficient to provide evidence that the Sultan of Sulu claimed territorial title to these two small islands or considered them part of his possessions. Nor is there any evidence that the Sultan actually exercised authority over Ligitan and Sipadan.

Turning to the alleged transfer of title over Ligitan and Sipadan to Spain, the Court notes that in the Protocol between Spain and Sulu Confirming the Bases of Peace and Capitulation of 22 July 1878 the Sultan of Sulu definitively ceded the "Archipelago of Sulu and the dependencies thereof" to Spain. But the Court concludes that there is no evidence that Spain considered Ligitan and Sipadan as covered by that Protocol. The Court observes, however, that it cannot be disputed that the Sultan of Sulu relinquished the sovereign rights over all his possessions in favour of Spain, thus losing any title he may have had over islands located beyond the 3-marine-league limit from the coast of North Borneo. The Court, therefore, is of the opinion that Spain was the only State which could have laid claim to Ligitan and Sipadan by virtue of the relevant instruments but that there is no evidence that it actually did so. It further observes that at the time neither Great Britain, on behalf of the State of North Borneo, nor the Netherlands explicitly or implicitly laid claim to Ligitan and Sipadan.

The next link in the chain of transfers of title is the Treaty of 7 November 1900 between the United States and Spain, by which Spain "relinquish[ed] to the United States all title and claim of title . . . to any and all islands belonging to the Philippine Archipelago" which had not been covered by the Treaty of Peace of 10 December 1898. The Court first notes that, although it is undisputed that Ligitan and Sipadan were not within the scope of the 1898 Treaty of Peace, the 1900 Treaty does not specify islands, apart from Cagayan Sulu and Sibutu and their dependencies, that Spain ceded to the United States. Spain nevertheless relinquished by that Treaty any claim it may have had to Ligitan and Sipadan or other islands beyond the 3-marine-league limit from the coast of North Borneo. Subsequent events show that the United States itself was uncertain to which islands it had acquired title under the 1900 Treaty. A temporary arrangement between Great Britain and the United States was made in 1907 by an Exchange of Notes. This Exchange of Notes, which did not involve a transfer of territorial sovereignty, provided for a continuation of the administration by the BNBC of the islands situated more than 3 marine leagues from the coast of North Borneo but left unresolved the issue to which of the parties these islands belonged.

This temporary arrangement lasted until 2 January 1930, when a Convention was concluded between Great Britain and the United States in which a line was drawn separating the islands belonging to the Philippine Archipelago on the one hand and the islands belonging to the State of North Borneo on the other hand. Article III of that Convention stated that all islands to the south and west of the line should belong to the State of North Borneo. From a point well to the north-east of Ligitan and Sipadan, the line extended to the north and to the east. The Convention did not mention any island by name apart from the Turtle and Mangsee Islands, which were declared to be under United States sovereignty. By concluding the 1930 Convention, the United States relinquished any claim it might have had to Ligitan and Sipadan and to the neighbouring islands. But the Court cannot conclude either from the 1907 Exchange of Notes or from the 1930 Convention or from any document emanating from the United States Administration in the intervening period that the United States did claim sovereignty over these islands. It can, therefore, not be said with any degree of certainty that by the 1930 Convention the United States transferred title to Ligitan and Sipadan to Great Britain, as Malaysia asserts. On the other hand, the Court cannot let go unnoticed that Great Britain was of the opinion that as a result of the 1930 Convention it acquired, on behalf of the BNBC, title to all the islands beyond the 3-marine-league zone which had been administered by the Company, with the exception of the Turtle and the

Mangsee Islands. To none of the islands lying beyond the 3-marine-league zone had it ever before laid a formal claim. Whether such title in the case of Ligitan and Sipadan and the neighbouring islands was indeed acquired as a result of the 1930 Convention is less relevant than the fact that Great Britain's position on the effect of this Convention was not contested by any other State.

The State of North Borneo was transformed into a colony in 1946. Subsequently, by virtue of Article IV of the Agreement of 9 July 1963, the Government of the United Kingdom agreed to take

> "such steps as [might] be appropriate and available to them to secure the enactment by the Parliament of the United Kingdom of an Act providing for the relinquishment . . . of Her Britannic Majesty's sovereignty and jurisdiction in respect of North Borneo, Sarawak and Singapore"

in favour of Malaysia.

In 1969 Indonesia challenged Malaysia's title to Ligitan and Sipadan and claimed to have title to the two islands on the basis of the 1891 Convention.

In view of the foregoing, the Court concludes that it cannot accept Malaysia's contention that there is an uninterrupted series of transfers of title from the alleged original title-holder, the Sultan of Sulu, to Malaysia as the present one. It has not been established with certainty that Ligitan and Sipadan belonged to the possessions of the Sultan of Sulu nor that any of the alleged subsequent title-holders had a treaty-based title to these two islands. The Court can therefore not find that Malaysia has inherited a treaty-based title from its predecessor, the United Kingdom of Great Britain and Northern Ireland.

"*Effectivités*" (paras. 126-149)

The Court then considers whether evidence furnished by the Parties with respect to "*effectivités*" relied upon by them provides the basis for a decision – as requested in the Special Agreement – on the question to whom sovereignty over Ligitan and Sipadan belongs.

The Court observes that both Parties claim that the *effectivités* on which they rely merely confirm a treaty-based title. On an alternative basis, Malaysia claims that it acquired title to Ligitan and Sipadan by virtue of continuous peaceful possession and administration, without objection from Indonesia or its predecessors in title.

The Court indicates that, having found that neither of the Parties has a treaty-based title to Ligitan and Sipadan, it will consider these *effectivités* as an independent and separate issue.

It notes that, in support of its arguments relating to *effectivités*, Indonesia cites patrols in the area by vessels of the Dutch Royal Navy, activities of the Indonesian Navy, as well as activities of Indonesian fishermen. It notes further that, in regard to its Act No. 4 concerning Indonesian Waters, promulgated on 18 February 1960, in which its archipelagic baselines are defined, Indonesia recognizes that it did not at that time include Ligitan or Sipadan as base points for the purpose of drawing baselines and defining its archipelagic waters and territorial sea, although it argues that this cannot be interpreted as demonstrating that Indonesia regarded the islands as not belonging to its territory.

As regards its *effectivités* on the islands of Ligitan and Sipadan, Malaysia mentions control over the taking of turtles and the collection of turtle eggs, allegedly the most important economic activity on Sipadan for many years. Malaysia also relies on the establishment in 1933 of a bird sanctuary on Sipadan. Malaysia further points out that the British North Borneo colonial authorities constructed lighthouses on Ligitan and Sipadan Islands in the early 1960s and that these exist to this day and are maintained by the Malaysian authorities.

The Court first recalls the statement by the Permanent Court of International Justice in the *Legal Status of Eastern Greenland (Denmark v. Norway)* case:

> "a claim to sovereignty based not upon some particular act or title such as a treaty of cession but merely upon continued display of authority, involves two elements each of which must be shown to exist: the intention and will to act as sovereign, and some actual exercise or display of such authority.
>
> Another circumstance which must be taken into account by any tribunal which has to adjudicate upon a claim to sovereignty over a particular territory, is the extent to which the sovereignty is also claimed by some other Power."

The Permanent Court continued:

> "It is impossible to read the records of the decisions in cases as to territorial sovereignty without observing that in many cases the tribunal has been satisfied with very little in the way of the actual exercise of sovereign rights, provided that the other State could not make out a superior claim. This is particularly true in the case of claims to sovereignty over areas in thinly populated or unsettled countries." (*P.C.I.J., Series A/B, No. 53*, pp. 45-46.)

The Court points out that in particular in the case of very small islands which are uninhabited or not permanently inhabited – like Ligitan and Sipadan, which have been of little economic importance (at least until recently) – *effectivités* will indeed generally be scarce.

The Court further observes that it cannot take into consideration acts having taken place after the date on which the dispute between the Parties crystallized unless such acts are a normal continuation of prior acts and are not undertaken for the purpose of improving the legal position of the Party which relies on them. The Court therefore, primarily, analyses the *effectivités* which date from the period before 1969, the year in which the Parties asserted conflicting claims to Ligitan and Sipadan.

The Court finally observes that it can only consider those acts as constituting a relevant display of authority which leave no doubt as to their specific reference to the islands in dispute as such. Regulations or administrative acts of a general nature can therefore be taken as *effectivités* with regard to Ligitan and Sipadan only if it is clear from their terms or their effects that they pertained to these two islands.

Turning then to the *effectivités* relied on by Indonesia, the Court begins by pointing out that none of them is of a legislative or regulatory character. It finds, moreover, that it cannot ignore the fact that Indonesian Act No. 4 of 8 February 1960, which draws Indonesia's archipelagic baselines, and its accompanying map do not mention or indicate Ligitan and Sipadan as relevant base points or turning points.

With regard to a continuous presence of the Dutch and Indonesian navies in the waters around Ligitan and Sipadan, as cited by Indonesia, it cannot, in the opinion of the Court, be deduced either from the report of the commanding officer of the Dutch destroyer *Lynx* – which patrolled the area in 1921 – or from any other document presented by Indonesia in connection with Dutch or Indonesian naval surveillance and patrol activities that the naval authorities concerned considered Ligitan and Sipadan and the surrounding waters to be under the sovereignty of the Netherlands or Indonesia.

The Court finally observes that activities by private persons such as Indonesian fishermen, cannot be seen as *effectivités* if they do not take place on the basis of official regulations or under governmental authority. The Court concludes that the activities relied upon by Indonesia do not constitute acts *à titre de souverain* reflecting the intention and will to act in that capacity.

With regard to the *effectivités* relied upon by Malaysia, the Court first observes that pursuant to the 1930 Convention, the United States relinquished any claim it might have had to Ligitan and Sipadan and that no other State asserted its sovereignty over those islands at that time or objected to their continued administration by the State of North Borneo. The Court further observes that those activities which took place before the conclusion of that Convention cannot be seen as acts "*à titre de souverain*", as Great Britain did not at that time claim sovereignty on behalf of the State of North Borneo over the islands beyond the 3-marine-league limit. Since it, however, took the position that the BNBC was entitled to administer the islands, a position which after 1907 was formally recognized by the United States, these administrative activities cannot be ignored either.

Both the measures taken to regulate and control the collecting of turtle eggs and the establishment of a bird reserve, as cited by Malaysia as evidence of such effective administration over the islands, must, in the view of the Court, be seen as regulatory and administrative assertions of authority over territory which is specified by name.

The Court observes that the construction and operation of lighthouses and navigational aids are not normally considered manifestations of State authority. It recalls, however, that in its Judgment in the case concerning *Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar* v. *Bahrain)* it stated as follows:

> "Certain types of activities invoked by Bahrain such as the drilling of artesian wells would, taken by themselves, be considered controversial as acts performed *à titre de souverain*. The construction of navigational aids, on the other hand, can be legally relevant in the case of very small islands. In the present case, taking into account the size of Qit'at Jaradah, the activities carried out by Bahrain on that island must be considered sufficient to support Bahrain's claim that it has sovereignty over it." (*Judgment, Merits, I.C.J. Reports 2001*, para. 197.)

The Court is of the view that the same considerations apply in the present case.

The Court notes that the activities relied upon by Malaysia, both in its own name and as successor State of Great Britain, are modest in number but that they are diverse in character and include legislative, administrative and quasi-judicial acts. They cover a considerable period of time and show a pattern revealing an intention to exercise State functions in respect of the two islands in the context of the administration of a wider range of islands.

The Court moreover cannot disregard the fact that at the time when these activities were carried out, neither Indonesia nor its predecessor, the Netherlands, ever expressed its disagreement or protest. In this regard, the Court notes that in 1962 and 1963 the Indonesian authorities did not even remind the authorities of the colony of North Borneo, or Malaysia after its independence, that the construction of the lighthouses at those times had taken place on territory which they considered Indonesian; even if they regarded these lighthouses as merely destined for safe navigation in an area which was of particular importance for navigation in the waters off North Borneo, such behaviour is unusual. Given the circumstances of the case, and in particular in view of the evidence furnished by the Parties, the Court concludes that Malaysia has title to Ligitan and Sipadan on the basis of the *effectivités* referred to above.

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Operative paragraph (para. 150):

"For these reasons,

THE COURT,

By sixteen votes to one,

Finds that sovereignty over Pulau Ligitan and Pulau Sipadan belongs to Malaysia.

IN FAVOUR: *President* Guillaume; *Vice-President* Shi; *Judges* Oda, Ranjeva, Herczegh, Fleischhauer, Koroma, Vereshchetin, Higgins, Parra-Aranguren, Kooijmans, Rezek, Al-Khasawneh, Buergenthal, Elaraby; *Judge* ad hoc Weeramantry;

AGAINST: *Judge* ad hoc Franck."

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Judge Oda appended a declaration to the Judgment of the Court and Judge *ad hoc* Franck a dissenting opinion.

8. *Ahmadou Sadio Diallo (Republic of Guinea* v. *Democratic Republic of the Congo)*

On 28 December 1998 the Republic of Guinea filed an Application instituting proceedings against the Democratic Republic of the Congo by an "Application with a view to diplomatic protection", in which it requested the Court to "condemn the Democratic Republic of the Congo for the grave breaches of international law perpetrated upon the person of a Guinean national", Mr. Ahmadou Sadio Diallo.

According to Guinea, Mr. Ahmadou Sadio Diallo, a businessman who had been a resident of the Democratic Republic of the Congo for 32 years, was "unlawfully imprisoned by the authorities of that State" during two and a half months, "divested from his important investments, companies, bank accounts, movable and immovable properties, then expelled" on 2 February 1996 as a result of his attempts to recover sums owed to him by the Democratic Republic of the Congo (especially by Gécamines, a State enterprise with a monopoly with regard to mining) and by oil companies operating in that country (Zaïre Shell, Zaïre Mobil and Zaïre Fina) by virtue of contracts concluded with businesses owned by him, Africom-Zaïre and Africacontainers-Zaïre.

As a basis of the Court's jurisdiction, Guinea invoked its own declaration of acceptance of the compulsory jurisdiction of the Court, of 11 November 1998 and the declaration of the Democratic Republic of the Congo of 8 February 1989.

Guinea filed its Memorial within the time-limit as extended by the Court. On 3 October 2002, within the time-limit as extended for the deposit of its Counter-Memorial, the Democratic Republic of the Congo filed certain preliminary objections to the Court's jurisdiction and the admissibility of the Application; the proceedings on the merits were accordingly suspended (Article 79 of the Rules of Court).

By an Order of 7 November 2002 (*I.C.J. Reports 2002*, p. 607), the Court fixed 7 July 2003 as the time-limit within which Guinea might present a written statement of its observations and submissions on the preliminary objections raised by the Democratic Republic of the Congo. That written statement was filed within the time-limit thus fixed.

9-16. *Legality of Use of Force (Serbia and Montenegro*[1] v. *Belgium) (Serbia and Montenegro*[1] v. *Canada) (Serbia and Montenegro*[1] v. *France) (Serbia and Montenegro*[1] v. *Germany) (Serbia and Montenegro*[1] v. *Italy) (Serbia and Montenegro*[1] v. *Netherlands) (Serbia and Montenegro*[1] v. *Portugal) (Serbia and Montenegro*[1] v. *United Kingdom)*

On 29 April 1999 Serbia and Montenegro (then known as the Federal Republic of Yugoslavia) filed Applications instituting proceedings against Belgium, Canada, France, Germany, Italy, Netherlands, Portugal, Spain, United Kingdom and United States of America "for violation of the obligation not to use force".

In its Applications, Serbia and Montenegro pointed out that the above-mentioned States had committed "acts . . . by which [they] have violated [their] international obligation[s] banning the use of force against another State, not to intervene in the internal affairs of [that State]" and "not to violate [its] sovereignty"; "[their] obligation[s] to protect the civilian population and civilian objects in wartime [and] to protect the environment"; "[their] obligation[s] relating to free navigation on international rivers"; "[their] obligation[s] regarding fundamental human rights and freedoms"; and "[their] obligation[s] not to use prohibited weapons [and] not to deliberately inflict conditions of life calculated to cause the physical destruction of a national group". Serbia and Montenegro requested the Court to adjudge and declare *inter alia* that the States referred to above were "responsible for the violation of the above[-mentioned] international obligations" and that they were "obliged to provide compensation for the damage done".

As a basis for the jurisdiction of the Court, Serbia and Montenegro referred, in the Applications against Belgium, Canada, Netherlands, Portugal, Spain and the United Kingdom, to Article 36, paragraph 2, of the Statute of the Court and to Article IX of the Genocide Convention; and, in the Applications against France, Germany, Italy and the United States, to Article IX of the Genocide Convention and to Article 38, paragraph 5, of the Rules of Court.

On the same day, Serbia and Montenegro also submitted a request for the indication of provisional measures in each of these cases.

After public hearings on the requests for the indication of provisional measures had been held between 10 and 12 May 1999, the Court, on 2 June 1999, delivered eight Orders (*I.C.J. Reports 1999*, pp. 124, 259, 363, 422, 481, 542, 656, 761, 826 and 916), by which, in the cases *Serbia and Montenegro*[1] v. *Belgium, Serbia and Montenegro*[1] v. *Canada, Serbia and Montenegro*[1] v. *France, Serbia and Montenegro*[1] v. *Germany, Serbia and Montenegro*[1] v. *Italy, Serbia and Montenegro*[1] v. *Netherlands, Serbia and Montenegro*[1] v. *Portugal* and *Serbia and Montenegro*[1] v. *United Kingdom*, the Court, having found that it had no prima facie jurisdiction, rejected the requests for the indication of provisional measures submitted by Serbia and Montenegro and reserved the subsequent procedure for further decision. In the cases of *Yugoslavia* v. *Spain* and *Yugoslavia* v. *United States of America*, the Court — having found that it manifestly lacked jurisdiction to entertain Yugoslavia's Application and that, within a system of consensual jurisdiction, to maintain on the General List a case upon which it appeared certain that the Court would not be able to adjudicate on the merits would most assuredly not contribute to the sound administration of justice — rejected Yugoslavia's requests for the indication of provisional measures and ordered that those cases be removed from the List.

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[1] See footnote 1, p. 110, above.

After the Memorial of Serbia and Montenegro, in each of the eight cases maintained on the Court's List, had been filed within the prescribed time-limit of 5 January 2000, each of the respondent States (Belgium, Canada, France, Germany, Italy, Netherlands, Portugal and United Kingdom) raised, on 5 July 2000, within the time-limit for the filing of its Counter-Memorial, certain preliminary objections of lack of jurisdiction and inadmissibility; the proceedings on the merits were accordingly suspended (Article 79 of the Rules of Court).

In each of the cases, a written statement by Serbia and Montenegro on the preliminary objections raised by the respondent State concerned was filed on 20 December 2002, within the time-limit as extended by the Court's Order of 20 March 2002 (*I.C.J. Reports 2002*, pp. 192, 195, 198, 201, 204, 207, 210 and 213).

17. Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)

On 23 June 1999 the Democratic Republic of the Congo filed an Application instituting proceedings against Uganda for "acts of *armed aggression* perpetrated . . . in flagrant violation of the United Nations Charter and of the Charter of the Organization of African Unity".

In its Application, the Democratic Republic of the Congo contended that "such armed aggression . . . ha[d] involved *inter alia* violation of the sovereignty and territorial integrity of the Democratic Republic of the Congo, violations of international humanitarian law and massive human rights violations". The Democratic Republic of the Congo sought "to secure the cessation of the acts of aggression directed against it, which constitute a serious threat to peace and security in central Africa in general and in the Great Lakes region in particular"; it also sought

> "compensation from Uganda in respect of all acts of looting, destruction, removal of property and persons and other unlawful acts attributable to [it], in respect of which the Democratic Republic of the Congo reserves the right to determine at a later date the precise amount of the damage suffered, in addition to its claim for the restitution of all property removed".

The Democratic Republic of the Congo invoked as basis for the Court's jurisdiction the declarations whereby both States have accepted the compulsory jurisdiction of the Court in relation to any other State accepting the same obligation (Article 36, paragraph 2, of the Statute of the Court).

Taking into account the agreement of the Parties, the Court, by an Order of 21 October 1999 (*I.C.J. Reports 1999*, p. 1022), fixed 21 July 2000 as the time-limit for the filing of a Memorial by the Congo and 21 April 2001 for the filing of a Counter-Memorial by Uganda. The Memorial of the Democratic Republic of the Congo was filed within the time-limit thus prescribed.

On 19 June 2000 the Democratic Republic of the Congo filed a request for the indication of provisional measures, stating that "since 5 June [2000], the resumption of fighting between the armed troops of . . . Uganda and another foreign army ha[d] caused considerable damage to the Congo and to its population", and "these tactics ha[d] been unanimously condemned, in particular by the United Nations Security Council". By letters of the same date, the President of the Court, acting in conformity with Article 74, paragraph 4, of the Rules of Court, drew "the attention of both Parties to the need to act in such a way as to enable any Order the Court will make on the request for provisional measures to have its appropriate effects".

Public hearings on the request for the indication of provisional measures were held on 26 and 28 June 2000. At a public sitting held on 1 July 2000, the Court rendered its Order (*I.C.J. Reports 2000*, p. 111), by which it unanimously found that both Parties must,

> "forthwith, prevent and refrain from any action, and in particular any armed action, which might prejudice the rights of the other Party in respect of whatever judgment the Court may render in the case, or which might aggravate or extend the dispute before the Court or make it more difficult to resolve";

> "forthwith, take all measures necessary to comply with all of their obligations under international law, in particular those under the United Nations Charter and the Charter of the Organization of African Unity, and with United Nations Security Council resolution 1304 (2000) of 16 June 2000";

and

> "forthwith, take all measures necessary to ensure full respect within the zone of conflict for fundamental human rights and for the applicable provisions of humanitarian law".

Within the time-limit of 21 April 2001 fixed by the Court's Order of 21 October 1999, Uganda filed its Counter-Memorial. The Counter-Memorial contained three counter-claims. The first concerned alleged acts of aggression against it by the Democratic Republic of the Congo; the second related to attacks on Ugandan diplomatic premises and personnel in Kinshasa and on Ugandan nationals for which the Democratic Republic of the Congo was alleged to be responsible; and the third dealt with alleged violations by the Democratic Republic of the Congo of the

Lusaka Agreement. Uganda asked that the issue of reparation be reserved for a subsequent stage of the proceedings. By an Order of 29 November 2001 (*I.C.J. Reports 2001*, p. 660), the Court found that the first two of the counter-claims submitted by Uganda against the Democratic Republic of the Congo were "admissible as such and [formed] part of the current proceedings", but that the third was not. In view of these findings, the Court considered it necessary for the Democratic Republic of the Congo to file a Reply and Uganda a Rejoinder, addressing the claims of both Parties, and fixed 29 May 2002 as the time-limit for the filing of the Reply and 29 November 2002 for the Rejoinder. Further, in order to ensure strict equality between the Parties, the Court reserved the right of the Democratic Republic of the Congo to present its views in writing a second time on the Uganda counter-claims, in an additional pleading to be the subject of a subsequent Order. The Reply was filed within the time-limit fixed. By an Order of 7 November 2002 (*I.C.J. Reports 2002*, p. 604), the Court extended the time-limit for the filing by Uganda of its Rejoinder and fixed 6 December 2002 as the new time-limit. The Rejoinder was filed within the time-limit as thus extended.

By an Order of 29 January 2003 (*I.C.J. Reports 2003*, p. 3) the Court authorized the submission by the Democratic Republic of the Congo of an additional pleading relating solely to the counter-claims submitted by Uganda, and fixed 28 February 2003 as the time-limit for its filing. That written pleading was filed within the time-limit fixed.

The Court fixed 10 November 2003 as the date for the opening of the hearings.

18. Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. *Serbia and Montenegro*[1]*)*

On 2 July 1999 the Republic of Croatia filed an Application instituting proceedings against Serbia and Montenegro (then known as the Federal Republic of Yugoslavia) for violations of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide alleged to have been committed between 1991 and 1995.

In its Application, Croatia contended that

> "by directly controlling the activity of its armed forces, intelligence agents, and various paramilitary detachments, on the territory of . . . Croatia, in the Knin region, eastern and western Slavonia, and Dalmatia, [Serbia and Montenegro] is liable for the 'ethnic cleansing' of Croatian citizens from these areas . . . as well as extensive property destruction – and is required to provide reparation for the resulting damage".

Croatia went on to state that

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[1] See footnote 1, p. 110, above.

> "in addition, by directing, encouraging, and urging Croatian citizens of Serb ethnicity in the Knin region to evacuate the area in 1995, as . . . Croatia reasserted its legitimate governmental authority . . . [Serbia and Montenegro] engaged in conduct amounting to a second round of 'ethnic cleansing'".

Accordingly, Croatia requested the Court to adjudge and declare that Serbia and Montenegro "has breached its legal obligations" to Croatia under the Genocide Convention and that it

> "has an obligation to pay to . . . Croatia, in its own right and as *parens patriae* for its citizens, reparations for damages to persons and property, as well as to the Croatian economy and environment caused by the foregoing violations of international law in a sum to be determined by the Court".

As a basis for the jurisdiction of the Court, Croatia invoked Article IX of the Genocide Convention, to which, it stated, both Croatia and Serbia and Montenegro are parties.

On 14 March 2001, within the time-limit as extended by the Court, Croatia filed its Memorial. On 11 September 2002, within the extended time-limit for the filing of its Counter-Memorial, Serbia and Montenegro filed certain preliminary objections to jurisdiction and admissibility. The proceedings on the merits were accordingly suspended (Article 79 of the Rules of Court). On 29 April 2003, within the time-limit fixed by the Court's Order of 14 November 2002 (*I.C.J. Reports 2002*, p. 610), Croatia filed a written statement of its observations and submissions on the preliminary objections raised by Serbia and Montenegro.

19. Maritime Delimitation between Nicaragua and Honduras in the Caribbean Sea (Nicaragua v. *Honduras)*

On 8 December 1999 the Republic of Nicaragua filed an Application instituting proceedings against the Republic of Honduras in respect of a dispute concerning the delimitation of the maritime zones appertaining to each of those States in the Caribbean Sea.

In its Application, Nicaragua stated *inter alia* that it had for decades "maintained the position that its maritime Caribbean border with Honduras has not been determined", while Honduras's position was said to be that

> "there in fact exists a delimitation line that runs straight easterly on the parallel of latitude from the point fixed in [an Arbitral Award of 23 December 1906 made by the King of Spain concerning the land boundary between Nicaragua and Honduras, which was found valid and binding by the International Court of Justice on 18 November 1960] on the mouth of the Coco river".

According to Nicaragua, "the position adopted by Honduras . . . has brought repeated confrontations and mutual capture of vessels of both nations in and around the general border area". Nicaragua further stated that "diplomatic negotiations have failed".

Nicaragua therefore requested the Court

> "to determine the course of the single maritime boundary between areas of territorial sea, continental shelf and exclusive economic zone appertaining respectively to Nicaragua and Honduras, in accordance with equitable principles and relevant circumstances recognized by general international law as applicable to such a delimitation of a single maritime boundary".

As a basis for the Court's jurisdiction, Nicaragua invoked Article XXXI of the American Treaty on Pacific Settlement (officially known as the "Pact of Bogotá"), signed on 30 April 1948, to which, it stated, both Nicaragua and Honduras are parties, as well as the declarations under Article 36, paragraph 2, of the Statute of the Court, by which both States have accepted the compulsory jurisdiction of the Court.

By an Order of 21 March 2000 (*I.C.J. Reports 2000*, p. 6), the Court fixed 21 March 2001 and 21 March 2002 as the respective time-limits for the filing of a Memorial by Nicaragua and a Counter-Memorial by Honduras. Those pleadings were duly filed within the prescribed time-limits.

Copies of the pleadings and documents annexed have been made available to the Governments of Colombia and of Jamaica, at their respective requests.

By an Order of 13 June 2002 (*I.C.J. Reports 2002*, p. 216), the Court authorized the submission of a Reply by Nicaragua and a Rejoinder by Honduras and fixed the following time-limits for the filing of these pleadings: 13 January 2003 for the Reply, and 13 August 2003 for the Rejoinder. The Reply of Nicaragua was filed within the time-limit thus fixed.

20. *Application for Revision of the Judgment of 11 July 1996 in the Case concerning* Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina *v.* Yugoslavia), Preliminary Objections (*Yugoslavia* v. *Bosnia and Herzegovina*)

On 24 April 2001, the Federal Republic of Yugoslavia filed an Application for revision of the Judgment delivered by the International Court of Justice on 11 July 1996 in the case concerning the *Application of the Convention on the Prevention and Punishment of the Crime of Genocide* (*Bosnia and Herzegovina* v. *Yugoslavia*), *Preliminary Objections*.

In that Judgment, the Court rejected the preliminary objections raised by Yugoslavia and found that it had jurisdiction to deal with the case on the basis of Article IX of the Convention on the Prevention and Punishment of the Crime of Genocide, dismissing the additional bases of jurisdiction invoked by Bosnia and Herzegovina. The Court further found that the Application filed by Bosnia and Herzegovina was admissible.

Yugoslavia based its Application for revision on Article 61 of the Statute of the Court, which provides in its first paragraph that

> "An application for revision of a judgment may be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such ignorance was not due to negligence."

In its Application, Yugoslavia contended the following:

> "The admission of the FRY to the United Nations as a new Member on 1 November 2000 is certainly a new fact. It can also be demonstrated, and the Applicant submits, that this new fact is of such a nature as to be a decisive factor regarding the question of jurisdiction *ratione personae* over the FRY.
>
> After the FRY was admitted as a new Member on 1 November 2000, dilemmas concerning its standing have been resolved, and it has become an unequivocal fact that the FRY did not continue the personality of the SFRY, was not a Member of the United Nations before 1 November 2000, was not a State party to the Statute, and was not a State party to the Genocide Convention. . . .
>
> The admission of the FRY to the United Nations as a new Member clears ambiguities and sheds a different light on the issue of the membership of the FRY in the United Nations, in the Statute and in the Genocide Convention."

Yugoslavia further stated that, according to the official listing of 8 December 2000, "*Yugoslavia*" had been listed as a Member of the United Nations since 1 November 2000 and that "*the explanatory note makes it clear that this is a reference to the FRY*". Yugoslavia concluded that "this is a new fact of such a nature to be a decisive factor, unknown to both the Court and to the Applicant at the time when the Judgment of 11 July 1996 was given".

Copies of the pleadings have been made available to the Government of Croatia, at its request.

On 3 December 2001, within the time-limit fixed by the Court for this purpose, Bosnia and Herzegovina filed written observations on the admissibility of the Application for revision made by Yugoslavia. In its observations, Bosnia and Herzegovina contended that the conditions set under Article 61 of the Statute of the Court were not met in this instance; it consequently requested the Court "to adjudge and declare that the Application for Revision of the Judgment of 11 July 1996, submitted by . . . Yugoslavia . . . [was] not admissible".

Public hearings were held on the question of the admissibility of the Application for revision from 4 to 7 November 2002. In its oral pleadings, Yugoslavia did not invoke its admission to the United Nations in November 2000 as a decisive "new fact", within the meaning of Article 61 of the Statute, capable of founding its request for revision of the 1996

Judgment. Yugoslavia claimed that this admission "as a new Member" as well as the Legal Counsel's letter of 8 December 2000 inviting it "to take treaty actions if it wished to become a party to treaties to which the former Yugoslavia was a party" were

> "events which . . . revealed the following two decisive facts:
>
> (1) the FRY was not a party to the Statute at the time of the Judgment; and
>
> (2) the FRY did not remain bound by Article IX of the Genocide Convention continuing the personality of the former Yugoslavia".

It was on the basis of these two "facts" that, in its oral argument, Yugoslavia ultimately founded its request for revision. Bosnia and Herzegovina requested the Court to adjudge and declare that the Application for revision was not admissible.

On 3 February 2003, the Court delivered its Judgment (*I.C.J. Reports 2003*, p. 7), a summary of which is given below, followed by the text of the operative paragraph:

History of the proceedings and submissions of the Parties (paras. 1-13)

The Court begins by reciting the history of the proceedings and the submissions of the Parties.

Reasoning of the Court (paras. 14-74)

In its Judgment, the Court notes that in its Application for revision of the 1996 Judgment, the Federal Republic of Yugoslavia [FRY] relies on Article 61 of the Statute, which provides for revision proceedings to open with a judgment of the Court declaring the application admissible on the grounds contemplated by the Statute; Article 99 of the Rules makes express provision for proceedings on the merits if, in its first judgment, the Court has declared the application admissible.

The Court points out that the Statute and the Rules of Court foresee a "two-stage procedure". The first stage of the procedure for a request for revision of the Court's judgment should be "limited to the question of admissibility of that request". Therefore, at the current stage of the proceedings the Court's decision is limited to the question whether the request satisfies the conditions contemplated by the Statute. Under Article 61 of the Statute, these conditions are as follows:

(*a*) the application should be based upon the "discovery" of a "fact";
(*b*) the fact, the discovery of which is relied on, must be "of such a nature as to be a decisive factor";
(*c*) the fact should have been "unknown" to the Court and to the party claiming revision when the judgment was given;
(*d*) ignorance of this fact must not be "due to negligence"; and
(*e*) the application for revision must be "made at latest within six months of the discovery of the new fact" and before ten years have elapsed from the date of the judgment.

The Court observes that an application for revision is admissible only if each of the conditions laid down in Article 61 is satisfied. If any one of them is not met, the application must be dismissed.

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The Court then begins by ascertaining whether there is here a "fact" which, although in existence at the date of its Judgment of 11 July 1996, was at that time unknown both to the FRY and to the Court.

In this regard, it notes that in its Application for revision of the Court's Judgment of 11 July 1996, the FRY contended the following:

> "The admission of the FRY to the United Nations as a new Member on 1 November 2000 is certainly a new fact. It can also be demonstrated, and the Applicant submits, that this new fact is of such a nature as to be a decisive factor regarding the question of jurisdiction *ratione personae* over the FRY.
>
> After the FRY was admitted as a new Member on 1 November 2000, dilemmas concerning its standing have been resolved, and it has become an unequivocal fact that the FRY did not continue the personality of the SFRY, was not a Member of the United Nations before 1 November 2000, was not a State party to the Statute, and was not a State party to the Genocide Convention. . . .
>
> The admission of the FRY to the United Nations as a new Member clears ambiguities and sheds a different light on the issue of the membership of the FRY in the United Nations, in the Statute and in the Genocide Convention."

The Court points out that in its oral pleadings, the FRY did not invoke its admission to the United Nations in November 2000 as a decisive "new fact", within the meaning of Article 61 of the Statute, capable of founding its request for revision of the 1996 Judgment. The FRY claimed that this admission "as a new Member" as well as the Legal Counsel's letter of 8 December 2000 inviting it, according to the FRY, "to take treaty actions if it wished to become a party to treaties to which the former Yugoslavia was a party" were

> "events which . . . revealed the following two decisive facts:
>
> (1) the FRY was not a party to the Statute at the time of the Judgment; and
>
> (2) the FRY did not remain bound by Article IX of the Genocide Convention continuing the personality of the former Yugoslavia".

The Court observes that it is on the basis of these two "facts" that, in its oral argument, the FRY ultimately founded its request for revision. The FRY further stressed at the hearings that these "newly discovered facts" had not occurred subsequently to the Judgment of 1996. In this regard, the FRY stated that "the FRY never argued or contemplated that the newly discovered fact would or could have a retroactive effect".

For its part, Bosnia and Herzegovina maintained the following:

> "there is no 'new fact' capable of 'laying the case open' to revision pursuant to Article 61, paragraph 2, of the Court's Statute: neither the admission of Yugoslavia to the United Nations which the applicant State presents as a fact of this kind, or in any event as being the source of such a fact, nor its allegedly new situation vis-à-vis the Genocide Convention . . . constitute facts of that kind".

In short, Bosnia and Herzegovina submitted that what the FRY referred to as "facts" were "the consequences . . . of a fact, which is and can only be the admission of Yugoslavia to the United Nations in 2000". It stated that "Article 61 of the Statute of the Court . . . requires that the fact was 'when the judgment was given, unknown to the Court and also to the party claiming revision'" and that "this implies that . . . the fact in question actually did exist 'when the judgment was given'". According to Bosnia and Herzegovina, the FRY "is regarding its own change of position [as to its continuation of the personality of the SFRY] (and the ensuing consequences) as a new fact". Bosnia and Herzegovina concluded that the "new fact" invoked by the FRY "is subsequent to the Judgment whose revision is sought". It noted that the alleged new fact could have "no retroactive or retrospective effect".

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With a view to providing the context for the contentions of the FRY, the Court then recounts the background to the case.

In the early 1990s the SFRY, made up of Bosnia and Herzegovina, Croatia, Macedonia, Montenegro, Serbia and Slovenia, began to break up. On 25 June 1991 Croatia and Slovenia both declared independence, followed by Macedonia on 17 September 1991 and Bosnia and Herzegovina on 6 March 1992. On 22 May 1992, Bosnia and Herzegovina, Croatia and Slovenia were admitted as Members to the United Nations; as was the former Yugoslav Republic of Macedonia on 8 April 1993.

On 27 April 1992 the "participants of the joint session of the SFRY Assembly, the National Assembly of the Republic of Serbia and the Assembly of the Republic of Montenegro" adopted a declaration. Expressing the will of the citizens of their respective Republics to stay in the common state of Yugoslavia, they stated that:

> "1. The Federal Republic of Yugoslavia, continuing the state, international legal and political personality of the Socialist Federal Republic of Yugoslavia, shall strictly abide by all the commitments that the SFR of Yugoslavia assumed internationally.
>
> . . . .

> Remaining bound by all obligations to international organizations and institutions whose member it is . . ."

An official Note of the same date from the Permanent Mission of Yugoslavia to the United Nations stated, *inter alia*,

> "Strictly respecting the continuity of the international personality of Yugoslavia, the Federal Republic of Yugoslavia shall continue to fulfil all the rights conferred to, and obligations assumed by, the Socialist Federal Republic of Yugoslavia in international relations, including its membership in all international organizations and participation in international treaties ratified or acceded to by Yugoslavia." (United Nations doc. A/46/915, Ann. I.)

On 22 September 1992 the General Assembly adopted resolution 47/1, whereby, upon the recommendation contained in Security Council resolution 777 of 19 September 1992, it considered

> "that the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations; and therefore decides that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations and that it shall not participate in the work of the General Assembly".

On 29 September 1992, in response to a letter from the Permanent Representatives of Bosnia and Herzegovina and Croatia requesting certain clarifications, the Under-Secretary-General and Legal Counsel of the United Nations addressed a letter to them, in which he stated that the "considered view of the United Nations Secretariat regarding the practical consequences of the adoption by the General Assembly of resolution 47/1" was as follows:

> "While the General Assembly has stated unequivocally that the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot automatically continue the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations and that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations, the only practical consequence that the resolution draws is that the Federal Republic of Yugoslavia (Serbia and Montenegro) shall not *participate* in the work of the General Assembly. It is clear, therefore, that representatives of the Federal Republic of Yugoslavia (Serbia and Montenegro) can no longer *participate* in the work of the General Assembly, its subsidiary organs, nor conferences and meetings convened by it.
>
> On the other hand, the resolution neither terminates nor suspends Yugoslavia's *membership* in the Organization. Consequently, the seat and nameplate remain as before, but in Assembly bodies representatives of the Federal Republic of Yugoslavia (Serbia and Montenegro)

> cannot sit behind the sign 'Yugoslavia'. Yugoslav missions at United Nations Headquarters and offices may continue to function and may receive and circulate documents. At Headquarters, the Secretariat will continue to fly the flag of the old Yugoslavia as it is the last flag of Yugoslavia used by the Secretariat. The resolution does not take away the right of Yugoslavia to participate in the work of organs other than Assembly bodies. The admission to the United Nations of a new Yugoslavia under Article 4 of the Charter will terminate the situation created by resolution 47/1." (United Nations doc. A/47/485; emphasis added in the original.)

On 29 April 1993, the General Assembly, upon the recommendation contained in Security Council resolution 821 (1993) (couched in terms similar to those of Security Council resolution 777 (1992)), adopted resolution 47/229 in which it decided that "the Federal Republic of Yugoslavia (Serbia and Montenegro) shall not participate in the work of the Economic and Social Council".

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The Court recalls that between the adoption of General Assembly resolution 47/1 of 22 September 1992 and the admission of the FRY to the United Nations on 1 November 2000, the legal position of the FRY remained complex. As examples thereof, the Court cites several changes to the English text of certain relevant paragraphs of the "Summary of Practice of the Secretary-General as Depositary of Multilateral Treaties", prepared by the Treaty Section of the Office of Legal Affairs, which was published at the beginning of 1996 (those changes were directly incorporated into the French text of the Summary published in 1997); it also referred to the letters sent by the Permanent Representatives of Bosnia and Herzegovina, Croatia, Slovenia and the former Yugoslav Republic of Macedonia which questioned the validity of the deposit of the declaration recognizing the compulsory jurisdiction of the International Court of Justice by the FRY dated 25 April 1999, and which set out their

> "permanent objection to the groundless assertion of the Federal Republic of Yugoslavia (Serbia and Montenegro), which has also been repudiated by the international community, that it represents the continuity of our common predecessor, and thereby continues to enjoy its status in international organizations and treaties".

The Court adds to the above account of the FRY's special situation that existed between September 1992 and November 2000 certain details concerning the United Nations membership dues and rates of assessment set for the FRY during that same period.

The Court then recalls that on 27 October 2000, Mr. Koštunica, the newly elected President of the FRY, sent a letter to the Secretary-General requesting admission of the FRY to membership in the United Nations; and that, on 1 November 2000, the General Assembly, upon the recommendation of the Security Council, adopted resolution 55/12, by which it decided to admit the Federal Republic of Yugoslavia to membership in the United Nations.

The Court observes that the admission of the FRY to membership in the United Nations on 1 November 2000 put an end to Yugoslavia's *sui generis* position within the United Nations. It notes that, on 8 December 2000, the Under-Secretary-General, the Legal Counsel, sent a letter to the Minister for Foreign Affairs of the FRY, reading in pertinent parts:

> "Following [the admission of the Federal Republic of Yugoslavia to the United Nations on 1 November 2000], a review was undertaken of the multilateral treaties deposited with the Secretary-General, in relation to many of which the former Socialist Federal Republic of Yugoslavia (the SFRY) and the Federal Republic of Yugoslavia (FRY) had undertaken a range of treaty actions . . .
>
> It is the Legal Counsel's view that the Federal Republic of Yugoslavia should now undertake treaty actions, as appropriate, in relation to the treaties concerned, if its intention is to assume the relevant legal rights and obligations as a successor State." (Letter by the Legal Counsel of the United Nations, Application of Yugoslavia, Ann. 27.)

The Court further notes that, at the beginning of March 2001, a notification of accession to the Genocide Convention by the FRY was deposited with the Secretary-General of the United Nations; and that, on 15 March 2001, the Secretary-General, acting in his capacity as depositary, issued a Depositary Notification (C.N.164.2001.TREATIES-1), indicating that the accession of the FRY to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide "was effected on 12 March 2001" and that the Convention would "enter into force for the FRY on 10 June 2001".

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The Court, in order to complete the contextual background, also recalls the proceedings leading up to the delivery of the Judgment of 11 July 1996, as well as the passages in that Judgment relevant to the present proceedings.

It refers to its Order dated 8 April 1993, by which it indicated certain provisional measures with a view to the protection of rights under the Genocide Convention. It recalls that in this Order the Court, referring to Security Council resolution 777 (1992), General Assembly resolution 47/1 and the Legal Counsel's letter of 29 September 1992, stated *inter alia* that,

> "while the solution adopted is not free from legal difficulties, the question whether or not Yugoslavia is a Member of the United Nations and as such a party to the Statute of the Court is one which the Court does not need to determine definitively at the present stage of the proceedings";

and that it concluded that

> "Article IX of the Genocide Convention, to which both Bosnia-Herzegovina and Yugoslavia are parties, thus appears to the Court to afford a basis on which the jurisdiction of the Court might be founded to the extent that the subject-matter of the dispute relates to 'the interpretation, application or fulfilment' of the Convention, including disputes 'relating to the responsibility of a State for genocide or for any of the other acts enumerated in article III' of the Convention".

The Court further refers to its second Order on provisional measures, of 13 September 1993, by which it confirmed that it had prima facie jurisdiction in the case on the basis of Article IX of the Genocide Convention.

It finally observes that, in its Judgment of 11 July 1996, on the preliminary objections raised by the FRY, it came to the conclusion that both Parties were bound by the Convention when the Application was filed. In the operative part of its Judgment the Court, having rejected the preliminary objections raised by the FRY, found that "on the basis of Article IX of the Convention on the Prevention and Punishment of the Crime of Genocide, it has jurisdiction to adjudicate upon the dispute" and that "the Application filed by the Republic of Bosnia and Herzegovina on 20 March 1993 is admissible".

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In order to examine whether the FRY relies on facts which fall within the terms of Article 61 of the Statute, the Court observes first that, under the terms of paragraph 1 of that Article, an application for revision of a judgment may be made only when it is "based upon the discovery" of some fact which, "when the judgment was given", was unknown. These are the characteristics which the "new" fact referred to in paragraph 2 of that Article must possess. Thus both paragraphs refer to a fact existing at the time when the judgment was given and discovered subsequently. A fact which occurs several years after a judgment has been given is not a "new" fact within the meaning of Article 61; this remains the case irrespective of the legal consequences that such a fact may have.

The Court points out that, in the present case, the admission of the FRY to the United Nations occurred on 1 November 2000, well after the 1996 Judgment. It concludes accordingly that that admission cannot be regarded as a new fact, within the meaning of Article 61, capable of founding a request for revision of that Judgment.

The Court goes on to note that, in the final version of its argument, the FRY claims that its admission to the United Nations and the Legal Counsel's letter of 8 December 2000 simply "revealed" two facts which had existed in 1996 but had been unknown at the time: that it was not then a party to the Statute of the Court and that it was not bound by the Genocide Convention. The Court finds that, in advancing this argument, the FRY does not rely on facts that existed in 1996. In reality, it bases its Application for revision on the legal consequences which it seeks to draw from facts subsequent to the Judgment which it is asking to have revised. Those consequences, even supposing them to be established, cannot be regarded as facts within the meaning of Article 61. The Court finds that the FRY's argument cannot accordingly be upheld.

The Court furthermore notes that the admission of the FRY to membership in the United Nations took place more than four years after the Judgment which it is seeking to have revised. At the time when that Judgment was given, the situation obtaining was that created by General Assembly resolution 47/1. In this regard the Court observes that the difficulties which arose regarding the FRY's status between the adoption of that resolution and its admission to the United Nations on 1 November 2000 resulted from the fact that, although the FRY's claim to continue the international legal personality of the Former Yugoslavia was not "generally accepted" (see Security Council resolution 777 of 19 September 1992), the precise consequences of this situation were determined on a case-by-case basis (for example, non-participation in the work of the General Assembly and ECOSOC). Resolution 47/1 did not *inter alia* affect the FRY's right to appear before the Court or to be a party to a dispute before the Court under the conditions laid down by the Statute. Nor did it affect the position of the FRY in relation to the Genocide Convention. To "terminate the situation created by resolution 47/1", the FRY had to submit a request for admission to the United Nations as had been done by the other Republics composing the SFRY. The Court points out that all these elements were known to the Court and to the FRY at the time when the Judgment was given. Nevertheless, what remained unknown in July 1996 was if and when the FRY would apply for membership in the United Nations and if and when that application would be accepted, thus terminating the situation created by General Assembly resolution 47/1.

The Court emphasizes that General Assembly resolution 55/12 of 1 November 2000 cannot have changed retroactively the *sui generis* position which the FRY found itself in vis-à-vis the United Nations over the period 1992 to 2000, or its position in relation to the Statute of the Court and the Genocide Convention. Furthermore, the letter of the Legal Counsel of the United Nations dated 8 December 2000 cannot have affected the FRY's position in relation to treaties. The Court also observes that, in any event, the said letter did not contain an invitation to the FRY to accede to the relevant conventions, but rather to "undertake treaty actions, as appropriate, . . . as a successor State".

The Court concludes from the foregoing that it has not been established that the request of the FRY is based upon the discovery of "some fact" which was "when the judgment was given, unknown to the Court and also to the party claiming revision". It finds that one of the conditions for the admissibility of an application for revision prescribed by paragraph 1 of Article 61 of the Statute has therefore not been satisfied. The Court finally indicates that it therefore does not need to address the issue of whether the other requirements of Article 61 of the Statute for the admissibility of the FRY's Application have been satisfied.

*

Operative paragraph (para. 75):

"For these reasons,

THE COURT,

By ten votes to three,

Finds that the Application submitted by the Federal Republic of Yugoslavia for revision, under Article 61 of the Statute of the Court, of the Judgment given by the Court on 11 July 1996, is inadmissible.

IN FAVOUR: *President* Guillaume; *Vice-President* Shi; *Judges* Ranjeva, Herczegh, Koroma, Parra-Aranguren, Al-Khasawneh, Buergenthal, Elaraby; *Judge* ad hoc Mahiou;

AGAINST: *Judges* Vereshchetin, Rezek; *Judge* ad hoc Dimitrijević."

*

Judge Koroma appended a separate opinion to the Judgment; Judge Vereshchetin a dissenting opinion; Judge Rezek a declaration; Judge *ad hoc* Mahiou a separate opinion; and Judge *ad hoc* Dimitrijević a dissenting opinion.

21. Certain Property (Liechtenstein v. *Germany)*

On 1 June 2001 Liechtenstein filed an Application instituting proceedings against Germany relating to a dispute concerning

> "decisions of Germany, in and after 1998, to treat certain property of Liechtenstein nationals as German assets having been 'seized for the purposes of reparation or restitution, or as a result of the state of war' – i.e., as a consequence of World War II –, without ensuring any compensation for the loss of that property to its owners, and to the detriment of Liechtenstein itself".

In its Application, Liechtenstein requested the Court "to adjudge and declare that Germany has incurred international legal responsibility and is bound to make appropriate reparation to Liechtenstein for the damage and prejudice suffered". Liechtenstein further requested "that the nature and amount of such reparation should, in the absence of agreement between the parties, be assessed and determined by the Court, if necessary, in a separate phase of the proceedings".

As a basis for the Court's jurisdiction, Liechtenstein invoked Article 1 of the European Convention for the Peaceful Settlement of Disputes, signed at Strasbourg on 29 April 1957.

By an Order of 28 June 2001 (*I.C.J. Reports 2001*, p. 565), the Court fixed 28 March 2002 and 27 December 2002, respectively, as the time-limits for the filing of a Memorial by Liechtenstein and of a Counter-Memorial by Germany. The Memorial was filed within the time-limit thus fixed.

On 27 June 2002, Germany filed certain preliminary objections to the jurisdiction of the Court and the admissibility of the Application; the proceedings on the merits were accordingly suspended (Article 79 of the Rules of Court). Liechtenstein filed a written statement of its observations and submissions with regard to the preliminary objections raised by Germany, within the time-limit of 15 November 2002, as fixed by the President of the Court. Following the filing of that document, the case is now ready for hearing.

22. *Territorial and Maritime Dispute (Nicaragua* v. *Colombia)*

On 6 December 2001 Nicaragua filed an Application instituting proceedings against Colombia in respect of a dispute concerning "a group of related legal issues subsisting" between the two States "concerning title to territory and maritime delimitation" in the western Caribbean.

In its Application, Nicaragua requested the Court to adjudge and declare:

> "*First*, that . . . Nicaragua has sovereignty over the islands of Providencia, San Andres and Santa Catalina and all the appurtenant islands and keys, and also over the Roncador, Serrana, Serranilla and Quitasueño keys (in so far as they are capable of appropriation);
>
> *Second*, in the light of the determinations concerning title requested above, the Court is asked further to determine the course of the single maritime boundary between the areas of continental shelf and exclusive economic zone appertaining respectively to Nicaragua and Colombia, in accordance with equitable principles and relevant circumstances recognized by general international law as applicable to such a delimitation of a single maritime boundary."

Nicaragua further indicated that it

> "reserves the right to claim compensation for elements of unjust enrichment consequent upon Colombian possession of the Islands of San Andres and Providencia as well as the keys and maritime spaces up to the 82 meridian, in the absence of lawful title".

It also "reserves the right to claim compensation for interference with fishing vessels of Nicaraguan nationality or vessels licensed by Nicaragua".

As a basis for the Court's jurisdiction, Nicaragua invoked Article 36, paragraph 2, of the Statute of the Court and Article XXXI of the American Treaty on Pacific Settlement (officially known as the "Pact of Bogotá"), signed on 30 April 1948, to which both Nicaragua and Colombia are parties.

Copies of the pleadings and documents annexed have been made available to the Government of Honduras, at its request.

By an Order of 26 February 2002 (*I.C.J. Reports 2002*, p. 189), the Court fixed 28 April 2003 and 28 June 2004 as the time-limits for the filing of a Memorial by Nicaragua and of a Counter-Memorial by Colombia. The Memorial of Nicaragua was filed within the time-limit thus fixed.

On 21 July 2003, Colombia filed preliminary objections to the jurisdiction of the Court. The proceedings on the merits were accordingly suspended (Article 79 of the Rules of Court).

23. Frontier Dispute (Benin/Niger)

On 3 May 2002 Benin and Niger jointly notified the Court of a Special Agreement, which was signed between them on 15 June 2001 in Cotonou and entered into force on 11 April 2002.

Under Article 1 of that Special Agreement, the Parties agreed to submit their boundary dispute to a Chamber to be formed by the Court; they also agreed that pursuant to Article 26, paragraph 2, of the Statute of the Court, and that each of them would choose a judge *ad hoc*.

Article 2 of the Special Agreement stated the subject-matter of the dispute in the following terms:

> "The Court is requested to:
>
> *(a)* determine the course of the boundary between the Republic of Benin and the Republic of Niger in the River Niger sector;
>
> *(b)* specify which State owns each of the islands in the said river, and in particular Lété Island;
>
> *(c)* determine the course of the boundary between the two States the River Mekrou sector."

Finally, Article 10 contained a "special undertaking" as follows: "Pending the judgment of the Chamber, the Parties undertake to preserve peace, security and quiet among the peoples of the two States."

By an Order of 27 November 2002 (*I.C.J. Reports 2002*, p. 613), the Court, after its President had been informed of the view of the Parties on the composition of the chamber and had reported to it, decided to accede to the request of both Parties that it should form a special chamber of five judges and formed a Chamber of three Members of the Court together with the two judges *ad hoc* chosen by the Parties, as follows: President Guillaume, Judges Ranjeva and Kooijmans, and Judges *ad hoc* Bedjaoui (chosen by Niger) and Bennouna (chosen by Benin).

The Court further fixed 27 August 2003 as the time-limit for the filing of a Memorial by each Party.

24. Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic Republic of the Congo v. *Rwanda)*

On 28 May 2002, the Democratic Republic of the Congo filed an Application instituting proceedings against Rwanda in respect of a dispute concerning: "massive, serious and flagrant violations of human rights and of international humanitarian law" resulting

> "from acts of armed aggression perpetrated by Rwanda on the territory of the Democratic Republic of the Congo in flagrant breach of the sovereignty and territorial integrity of the [latter], as guaranteed by the United Nations Charter and the Charter of the Organization of African Unity".

In its Application, the Democratic Republic of the Congo stated that Rwanda has been guilty of "armed aggression" from August 1998 to the present day. According to it, that aggression has resulted in "large-scale human slaughter" in South Kivu, Katanga Province and the Eastern Province, "rape and sexual assault of women", "assassinations and kidnapping of political figures and human rights activists", "arrests, arbitrary detentions, inhuman and degrading treatment", "systematic looting of public and private institutions, seizure of property belonging to civilians", "human rights violations committed by the invading Rwandan troops and their 'rebel' allies in the major towns in the East" of the Democratic Republic of the Congo, and "destruction of fauna and flora" of the country.

In consequence, the Democratic Republic of the Congo requested the Court to adjudge and declare that by violating the human rights which are the goal pursued by the United Nations through the maintenance of international peace and security, Rwanda had violated and was violating the United Nations Charter as well as Articles 3 and 4 of the Charter of the Organization of African Unity; that it further had violated a number of instruments protecting human rights; that, by shooting down a Boeing 727 owned by Congo Airlines on 9 October 1998 in Kindu, thereby causing the death of 40 civilians, Rwanda had also violated certain conventions concerning international civil aviation; and that, by engaging in killing, slaughter, rape, throat-slitting, and crucifying, Rwanda was guilty of genocide against more than 3,500,000 Congolese, including the victims of the recent massacres in the city of Kisangani, and had violated the sacred right to life provided for in certain instruments protecting human rights as well as the Genocide Convention. It further asked the Court to adjudge and declare that all Rwandan armed forces should be withdrawn from Congolese territory; and that the Democratic Republic of the Congo was entitled to compensation.

In its Application the Democratic Republic of the Congo, in order to found the jurisdiction of the Court, relied on a number of compromissory clauses in treaties.

On the same day, 28 May 2002, the Democratic Republic of the Congo submitted a request for the indication of provisional measures. Public hearings on the request for provisional measures were held on 13 and 14 June 2002. On 10 July 2002, the Court delivered its Order (*I.C.J. Reports 2002*, p. 219), by which, having found that it had no prima facie jurisdiction, it rejected the request of the Democratic Republic of the Congo. The Court, in that Order, also rejected the submissions by the Rwandese Republic seeking the removal of the case from the Court's List.

By an Order of 18 September 2002 (*I.C.J. Reports 2002*, p. 299), the Court decided, in accordance with Article 79, paragraphs 2 and 3, of the revised Rules of Court, that the written pleadings would first be addressed to the questions of the jurisdiction of the Court and the admissibility of the Application and fixed 20 January 2003 as the time-limit for the Memorial of Rwanda and 20 May 2003 for the Counter-Memorial of the Democratic Republic of the Congo. Those pleadings were filed within the time-limits thus fixed.

25. *Application for Revision of the Judgment of 11 September 1992 in the Case concerning the* Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening) (*El Salvador* v. *Honduras*)

On 10 September 2002, El Salvador filed an Application for revision of the Judgment delivered on 11 September 1992 by the Chamber of the Court in the case concerning *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening)*. El Salvador indicated that "the sole purpose of the application is to seek revision of the course of the boundary decided by the Court for the sixth disputed sector of the land boundary between El Salvador and Honduras". El Salvador based its Application for revision on Article 61, paragraph 1, of the Statute of the Court.

In the Application El Salvador alleged that from the reasons given by the Chamber to establish the boundary line in the sixth sector, the following could be inferred:

> "(1) That a decisive factor in dismissing El Salvador's claim to a boundary along the old and original riverbed was the lack of evidence of an avulsion of the Goascorán River during the colonial period, and
>
> (2) That a decisive factor that persuaded the Chamber to accept Honduras's claim to a land boundary that follows the current course of the Goascorán, purported to be the course of the river at the time of independence in 1821, was the chart and the descriptive report of the Gulf of Fonseca that Honduras

presented and that were supposedly drawn in 1796, as part of the expedition of the brigantine *El Activo*."

El Salvador claimed that it had obtained scientific, technical, and historical evidence which "demonstrates that the old course of the Goascorán River debouched in the Gulf of Fonseca at the Estero 'La Cutú', and that the river abruptly changed course in 1762". It contended that this evidence, "which was not available to the Republic of El Salvador prior to the date of the Judgment, can be classified, for purposes of the revision, as a *new fact*, with a character such that it lays the case open to revision".

El Salvador further claimed that

> "in the six months prior to making [its] application, [it] obtained cartographic and documentary evidence demonstrating the unreliability of the documents that form the backbone of the Chamber's *ratio decidendi*. A new chart and a new report from the expedition of the brig *El Activo* have been discovered".

El Salvador concluded that:

> "For purposes of this revision, we have, then, a second *new fact*, whose implications for the Judgment have to be considered once the Application for revision is admitted. Because the evidentiary value of the 'Carta Esférica' and the report of the *El Activo* expedition is in question, the use of the Saco negotiations (1880-1884) for corroborative purposes becomes worthless, a problem compounded by what the Republic of El Salvador considers to be the Chamber's erroneous assessment of those negotiations. In reality, far from reinforcing each other, the *El Activo* documents and the Saco documents contradict each other."

According to El Salvador the following assertions can be made on the basis of the scientific and historical evidence now available:

> "*(a)* that the present-day course of the Goascorán River was not the course of the river in 1880-1884, much less in 1821; *(b)* that the old riverbed was the recognized boundary; and *(c)* that this riverbed was north of the Bay of La Unión, whose entire coastline belonged to the Republic of El Salvador".

For all these reasons, El Salvador requested the Court:

> "*(a)* To proceed to form the Chamber that will hear the application for revision of the Judgment, bearing in mind the terms that El Salvador and Honduras agreed upon in the Special Agreement of 24 May 1986;
>
> *(b)* To declare the application of the Republic of El Salvador admissible on the grounds of the existence of new facts of such a character as to lay the case open to revision under Article 61 of the Statute of the Court; and

(c) Once the application is admitted, to proceed to the revision of the Judgment of 11 September 1992, so that a new Judgment will determine the boundary line in the sixth disputed sector of the land frontier between El Salvador and Honduras to be as follows:

> 'Starting from the old mouth of the Goascorán river in the inlet known as the La Cutú Estuary situated at latitude 13° 22′ 00″ N and longitude 87° 41′ 25″ W, the frontier follows the old course of the Goascorán river for a distance of 17,300 metres as far as the place known as the Rompición de los Amates situated at latitude 13° 26′ 29″ N and longitude 87° 43′ 25″ W, which is where the Goascorán river changed its course.' "

By an Order of 27 November 2002 (*I.C.J. Reports 2002*, p. 618), the Court, after its President had been informed of the view of the Parties on the composition of the chamber and had reported to it, decided to accede to the request of both Parties that it should form a special chamber of five judges and formed a Chamber of three Members of the Court together with the two judges *ad hoc* chosen by the Parties, as follows: President Guillaume, Judges Rezek and Buergenthal, and Judges *ad hoc* Torres Bernárdez (chosen by Honduras) and Paolillo (chosen by El Salvador).

The Court further fixed 1 April 2003 as the time-limit for the filing of written observations by Honduras on the admissibility of the Application for revision. Those observations were deposited within the time-limit thus prescribed.

The Chamber fixed 8 September 2003 as the date for the opening of the hearings on the admissibility of the request for revision.

26. *Avena and Other Mexican Nationals (Mexico* v. *United States of America)*

On 9 January 2003, the United Mexican States instituted proceedings before the Court against the United States of America in a dispute concerning alleged violations of Articles 5 and 36 of the Vienna Convention on Consular Relations of 24 April 1963 with respect to 54 Mexican nationals who have been sentenced to death in the States of California, Texas, Illinois, Arizona, Arkansas, Florida, Nevada, Ohio, Oklahoma and Oregon.

In its Application, Mexico maintained that the 54 cases illustrate the systemic nature of the United States violation of its obligation under Article 36 of the Vienna Convention to inform nationals of Mexico of their right to consular assistance and to provide relief adequate to redress such violation. Mexico claimed that, in at least 49 of these cases, it has found no evidence that the competent United States authorities attempted to comply with Article 36 before Mexico's nationals were tried, convicted, and sentenced to death. It further noted that in four cases some attempt apparently was made to comply with Article 36, but that the authorities still failed to provide the required notification "without delay"; and that in one case the detained national was informed of his rights to consular notification and access in connection with immigration proceedings, but not in connection with pending capital charges. In the Application each case, catalogued by state, is then briefly described.

Accordingly, Mexico asked the Court to adjudge and declare:

> "(1) that the United States, in arresting, detaining, trying, convicting, and sentencing the 54 Mexican nationals on death row described in this Application, violated its international legal obligations to Mexico, in its own right and in the exercise of its right of consular protection of its nationals, as provided by Articles 5 and 36, respectively of the Vienna Convention;
>
> (2) that Mexico is therefore entitled to *restitutio in integrum;*
>
> (3) that the United States is under an international legal obligation not to apply the doctrine of procedural default, or any other doctrine of its municipal law, to preclude the exercise of the rights afforded by Article 36 of the Vienna Convention;
>
> (4) that the United States is under an international legal obligation to carry out in conformity with the foregoing international legal obligations any future detention of or criminal proceedings against the 54 Mexican nationals on death row or any other Mexican national in its territory, whether by a constituent, legislative, executive, judicial or other power, whether that power holds a superior or a subordinate position in the organization of the United States, and whether that power's functions are international or internal in character;
>
> (5) that the right to consular notification under the Vienna Convention is a human right;
>
> and that, pursuant to the foregoing international legal obligations,
>
> (1) the United States must restore the *status quo ante*, that is, re-establish the situation that existed before the detention of, proceedings against, and convictions and sentences of, Mexico's nationals in violation of the United States international legal obligations;
>
> (2) the United States must take the steps necessary and sufficient to ensure that the provisions of its municipal law enable full effect to be given to the purposes for which the rights afforded by Article 36 are intended;
>
> (3) the United States must take the steps necessary and sufficient to establish a meaningful remedy at law for violations of the rights afforded to Mexico and its nationals by Article 36 of the Vienna Convention, including by barring the imposition, as a matter of municipal law, of any procedural penalty for the failure timely to raise a claim or defence based on the Vienna Convention where competent authorities of the United States

have breached their obligation to advise the national of his or her rights under the Convention; and

(4) the United States, in light of the pattern and practice of violations set forth in this Application, must provide Mexico a full guarantee of the non-repetition of the illegal acts".

In its Application Mexico invoked as a basis for the Court's jurisdiction Article I of the Vienna Convention's Optional Protocol concerning the Compulsory Settlement of Disputes, which provides that "disputes arising out of the interpretation or application of the Convention shall lie within the compulsory jurisdiction of the International Court of Justice".

"In view of the extreme gravity and immediacy of the threat that authorities in the United States will execute a Mexican citizen in violation of obligations the United States owes to [it]", Mexico also filed, on 9 January 2003, an urgent request for the indication of provisional measures, asking that, pending final judgment in the case, the Court indicate that the United States take all measures necessary to ensure that no Mexican national be executed and that no execution dates be set for any Mexican national; that the United States report to the Court the actions it has taken in that respect; and that it ensure that no action is taken that might prejudice the rights of the United Mexican States or its nationals with respect to any decision this Court may render on the merits of the case.

At the hearings held on 21 January 2003, Mexico confirmed its request for the indication of provisional measures, while the United States asked the Court to reject that request and not to indicate any such measures.

On 5 February 2003, the Court unanimously adopted an Order indicating provisional measures (*I.C.J. Reports 2003*, p. 77). In that Order, it decided that the United States of America should take "all measures necessary" to ensure that Mr. César Roberto Fierro Reyna, Mr. Roberto Moreno Ramos and Mr. Osvaldo Torres Aguilera, of Mexican nationality, are not executed pending a final judgment of the Court; that the United States of America should inform the Court of all measures taken in implementation of that Order; and that the Court would remain seised of the matters which formed the subject of the Order until it had rendered its final judgment.

By a separate Order, also dated 5 February 2003 (*I.C.J. Reports 2003*, p. 96), the Court, taking into account the views of the Parties, fixed 6 June 2003 as the time-limit for the filing of a Memorial by Mexico and 6 October 2003 as the time-limit for the filing of a Counter-Memorial by the United States of America. By an Order of 22 May 2003 (*I.C.J. Reports 2003*, p. 99), the President of the Court, at the joint request of the Parties, extended these time-limits to 20 June 2003 for the Memorial of Mexico and to 3 November 2003 for the Counter-Memorial of the United States. The Memorial was filed within the time-limit thus extended.

The Court fixed 15 December 2003 as the date for the opening of the hearings.

27. *Certain Criminal Proceedings in France (Republic of the Congo* v. *France)*

On 9 December 2002, the Republic of the Congo filed an Application by which it sought to institute proceedings against France seeking the annulment of the investigation and prosecution measures taken by the French judicial authorities further to a complaint for crimes against humanity and torture filed by various associations against the President of the Republic of the Congo, Mr. Denis Sassou Nguesso, the Congolese Minister of the Interior, Mr. Pierre Oba, and other individuals including General Norbert Dabira, Inspector-General of the Congolese Armed Forces. The Application further stated that, in connection with these proceedings, an investigating judge of the Meaux *tribunal de grande instance* issued a warrant for the President of the Republic of the Congo to be examined as witness.

The Republic of the Congo contended that by

> "attributing to itself universal jurisdiction in criminal matters and by arrogating to itself the power to prosecute and try the Minister of the Interior of a foreign State for crimes allegedly committed by him in connection with the exercise of his powers for the maintenance of public order in his country",

France violated "the principle that a State may not, in breach of the principle of sovereign equality among all Members of the United Nations . . . exercise its authority on the territory of another State". The Republic of the Congo further submitted that, in issuing a warrant instructing police officers to examine the President of the Republic of the Congo as witness in the case, France violated "the criminal immunity of a foreign Head of State, an international customary rule recognized by the jurisprudence of the Court".

In its Application, the Republic of the Congo indicated that it sought to found the jurisdiction of the Court, pursuant to Article 38, paragraph 5, of the Rules of Court, "on the consent of the French Republic, which will certainly be given". In accordance with this provision, the Application by the Republic of the Congo was transmitted to the French Government and no action was taken in the proceedings.

By a letter dated 8 April 2003 and received on 11 April 2003 in the Registry, the French Republic stated that it "consent[ed] to the jurisdiction of the Court to entertain the Application pursuant to Article 38, paragraph 5". This consent made it possible to enter the case in the Court's List and to open the proceedings. In its letter, France added that its consent to the Court's jurisdiction applied strictly within the limits "of the claims formulated by the Republic of the Congo" and that

> "Article 2 of the Treaty of Co-operation signed on 1 January 1974 by the French Republic and the People's Republic of the Congo, to which the latter refers in its Application, does not constitute a basis of jurisdiction for the Court in the present case".

The Application of the Republic of the Congo was accompanied by a request for the indication of a provisional measure "seek[ing] an order for the immediate suspension of the proceedings being conducted by the investigating judge of the Meaux *Tribunal de grande instance*".

Taking into account the consent given by France and in accordance with Article 74, paragraph 3, of the Rules of Court, the President of the Court fixed 28 April 2003 as the date for the opening of the public hearings on the request for the indication of a provisional measure submitted by the Republic of the Congo.

After those hearings had been held, from 28 to 29 April 2003, the President of the Court, on 17 June 2003, read the Order (*I.C.J. Reports 2003*, p. 102), a summary of which is given below, followed by the text of the operative paragraph:

Application and request for a provisional measure and factual background (paras. 1-19, 22-24)

The Court begins by reciting the history of the proceedings and the content of the Congo's request for a provisional measure.

Jurisdiction (paras. 20-21)

After recalling the need for a prima facie basis of jurisdiction in order for provisional measures to be indicated, the Court notes that in the Application the Congo proposed to found the jurisdiction of the Court upon a consent thereto yet to be given by France, as contemplated by Article 38, paragraph 5, of the Rules of the Court; and that by a letter dated 8 April 2003 from the Minister for Foreign Affairs of France, France consented explicitly to the jurisdiction of the Court to entertain the Application on the basis of that text.

Reasoning of the Court (paras. 22-40)

The Court takes note that the circumstances relied on by the Congo, which in its view require the indication of measures requiring suspension of the French proceedings, are set out as follows in the request:

> "The proceedings in question are perturbing the international relations of the Republic of the Congo as a result of the publicity accorded, in flagrant breach of French law governing the secrecy of criminal investigations, to the actions of the investigating judge, which impugn the honour and reputation of the Head of State, of the Minister of the Interior and of the Inspector-General of the Armed Forces and, in consequence, the international standing of the Congo. Furthermore, those proceedings are damaging to the traditional links of Franco-Congolese friendship. If these injurious proceedings were to continue, that damage would become irreparable."

It observes that at the hearings the Congo re-emphasized the irreparable prejudice which in its contention would result from the continuation of the French criminal proceedings before the *Tribunal de grande instance* of Meaux, in the same terms as in the request; and that the Congo further stated that the prejudice which would result if no provisional measures are indicated would be the continuation and exacerbation of the prejudice already caused to the honour and reputation of the highest authorities of the Congo, and to internal peace in the Congo, to the international standing of the Congo and to Franco-Congolese friendship.

The Court observes that the rights which, according to the Congo's Application, are subsequently to be adjudged to belong to the Congo in the present case are, first, the right to require a State, in this case France, to abstain from exercising universal jurisdiction in criminal matters in a manner contrary to international law, and second, the right to respect by France for the immunities conferred by international law on, in particular, the Congolese Head of State.

The Court further observes that the purpose of any provisional measures that the Court might indicate in this case should be to preserve those claimed rights; that the irreparable prejudice claimed by the Congo and summarized above would not be caused to those rights as such; that however this prejudice might, in the circumstances of the case, be regarded as such as to affect irreparably the rights asserted in the Application. The Court notes that in any event it has not been informed in what practical respect there has been any deterioration internally or in the international standing of the Congo, or in Franco-Congolese relations, since the institution of the French criminal proceedings, nor has any evidence been placed before the Court of any serious prejudice or threat of prejudice of this nature.

The Court observes that the *first question* before it at the present stage of the case is thus whether the criminal proceedings currently pending in France entail a risk of irreparable prejudice to the right of the Congo to respect by France for the immunities of President Sassou Nguesso as Head of State, such as to require, as a matter of urgency, the indication of provisional measures.

The Court takes note of the statements made by the Parties as to the relevance of Article 656 of the French Code of Criminal Procedure (see above), and of a number of statements made by France as to the respect in French criminal law for the immunities of Heads of State. It then observes that it is not now called upon to determine the compatibility with the rights claimed by the Congo of the procedure so far followed in France, but only the risk or otherwise of the French criminal proceedings causing irreparable prejudice to such claimed rights. The Court finds, on the information before it, that, as regards President Sassou Nguesso, there is at the present time no risk of irreparable prejudice, so as to justify the indication of provisional measures as a matter of urgency; and neither is it established that any such risk exists as regards General Oba, Minister of the Interior of the Republic of the Congo, for whom the Congo also claims immunity in its Application.

The Court then considers, as a *second question*, the existence of a risk of irreparable prejudice in relation to the claim of the Congo that the unilateral assumption by a State of universal jurisdiction in criminal matters constitutes a violation of a principle of international law; the Court observes that in this respect the question before it is thus whether the proceedings before the *Tribunal de grande instance* of Meaux involve a threat of irreparable prejudice to the rights invoked by the Congo justifying, as a matter of urgency, the indication of provisional measures.

The Court notes that, as regards President Sassou Nguesso, the request for a written deposition made by the investigating judge on the basis of Article 656 of the French Code of Criminal Procedure has not been transmitted to the person concerned by the French Ministry of Foreign Affairs; that, as regards General Oba and General Adoua, they have not been the subject of any procedural measures by the investigating judge; and that no measures of this nature are threatened against these three persons. The Court concludes that therefore there is no urgent need for provisional measures to preserve the rights of the Congo in that respect.

As regards General Dabira, the Court notes that it is acknowledged by France that the criminal proceedings instituted before the *Tribunal de grande instance* of Meaux have had an impact upon his own legal position, inasmuch as he possesses a residence in France, and was present in France and heard as a *témoin assisté*, and in particular because, having returned to the Congo, he declined to respond to a summons from the investigating judge, who thereupon issued a *mandat d'amener* against him. It points out, however, that the practical effect of a provisional measure of the kind requested would be to enable General Dabira to enter France without fear of any legal consequences. The Congo, in the Court's view, has not demonstrated the likelihood or even the possibility of any irreparable prejudice to the rights it claims resulting from the procedural measures taken in relation to General Dabira.

The Court finally sees no need for the indication of any measures of the kind directed to preventing the aggravation or extension of the dispute.

*

Operative paragraph (para. 41):

> "For these reasons,
>
> THE COURT,
>
> By fourteen votes to one,
>
> *Finds* that the circumstances, as they now present themselves to the Court, are not such as to require the exercise of its power under Article 41 of the Statute to indicate provisional measures.
>
> IN FAVOUR: *President* Shi; *Vice-President* Ranjeva; Judges Guillaume,

Koroma, Vereshchetin, Higgins, Parra-Aranguren, Kooijmans, Al-Khasawneh, Buergenthal, Elaraby, Owada, Simma, Tomka;

AGAINST: *Judge* ad hoc de Cara."

*

Judges Koroma and Vereshchetin appended a joint separate opinion to the Order and Judge *ad hoc* de Cara a dissenting opinion.

*

By an Order of 11 July 2003 (*I.C.J. Reports 2003*, p. 143), the President of the Court fixed 11 December 2003 as the time-limit for the Memorial of the Republic of the Congo and 11 May 2004 as the time-limit for the Counter-Memorial of France.

28. Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore)

On 24 July 2003 Malaysia and Singapore jointly notified the Court of a Special Agreement which was signed between them on 6 February 2003 at Putrajaya and entered into force on 9 May 2003.

In Article 2 of that Special Agreement, the Parties requested the Court

> "to determine whether sovereignty over:
>
> *(a)* Pedra Branca/Pulau Batu Puteh;
> *(b)* Middle Rocks;
> *(c)* South Ledge,
>
> belongs to Malaysia or the Republic of Singapore".

In Article 6, the Parties "agree to accept the Judgment of the Court . . . as final and binding upon them".

The Parties further set out their views on the procedure to be followed. These will be taken into account by the Court when fixing time-limits for the filing of written pleadings.

II. APPLICATION OF THE STATUTE AND RULES OF COURT

1. Organization of the Court

(a) *Election (or re-election) of Members of the Court; installation of new judges*

(Statute, Arts. 13, para. 4, 14 and 20; Rules, Arts. 2, para. 1, and 4, paras. 1 and 2)

During the triennial election for five seats on the Court, held on 21 October 2002, the General Assembly and Security Council re-elected two sitting Members of the Court and elected three new Members for a term of nine years beginning on 6 February 2003 (see p. 11 above).

The three new judges made the solemn declaration required by the Statute and Rules of Court on 17 February 2003, at the opening of the hearings in the case concerning *Oil Platforms (Islamic Republic of Iran* v. *United States of America)*.

(b) *The Presidency*

(Statute, Art. 21, para. 1; Rules, Arts. 10-13, 31 and 44, para. 4)

On 6 February 2003 the Court elected its President and Vice-President for a term of three years (see p. 11 above).

In the case concerning *Avena and Other Mexican Nationals (Mexico* v. *United States of America)*, the President, at the joint request of the Parties, extended the time-limits for the filing of the Memorial and the Counter-Memorial.

In the case concerning *Certain Criminal Proceedings in France (Republic of the Congo* v. *France)* the President fixed the time-limits for the filing of the Memorial and the Counter-Memorial.

(c) *Non-participation of a judge in a case*

(Statute, Arts. 17, para. 2, 23, para. 3, and 24, para. 1; Rules, Art. 20, para. 2)

Three Members of the Court informed the President that they considered they should not take part in the case concerning *Application for Revision of the Judgment of 11 July 1996 in the Case concerning* Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina *v.* Yugoslavia), Preliminary Objections *(Yugoslavia* v. *Bosnia and Herzegovina)*.

In the case concerning *Certain Property (Liechtenstein* v. *Germany)*, a Member of the Court also recused himself, having been counsel for one of the Parties in that case.

(d) *Judges* ad hoc

(Statute, Arts. 20 and 31; Rules, Arts. 4, 8 and 35)

The judge *ad hoc* originally chosen by Bosnia and Herzegovina in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina* v. *Serbia and Montenegro*[1]*)* having resigned, that State chose a new judge *ad hoc*, who made the solemn declaration required by the Statute and Rules of the Court.

The judge *ad hoc* originally chosen by Liechtenstein in the case concerning *Certain Property (Liechtenstein* v. *Germany)* having resigned, that State chose a new judge *ad hoc*. The Member of the Court of German nationality having recused himself, Germany also chose a new judge *ad hoc*.

The judge *ad hoc* originally chosen by Bosnia and Herzegovina in the case concerning *Application for Revision of the Judgment of 11 July 1996 in the Case concerning* Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina *v.* Yugoslavia), Preliminary Objections *(Yugoslavia* v. *Bosnia and Herzegovina)* also having resigned, that State chose a new judge *ad hoc*. That judge *ad hoc* and the judge *ad hoc* chosen by Yugoslavia made the solemn declaration required by the Statute and Rules of Court, at the opening of the hearings on the admissibility of the Application for revision.

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[1] See footnote 1, p. 110, above.

In the cases concerning the *Frontier Dispute (Benin/Niger)* and *Application for Revision of the Judgment of 11 September 1992 in the Case concerning the* Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening) *(El Salvador* v. *Honduras)*, each of which was brought before a Chamber of the Court, both Parties exercised the right to choose a judge *ad hoc* (see below, under *(g)*).

The applicant State exercised its right to choose a judge *ad hoc* also in each of the cases concerning *Avena and Other Mexican Nationals (Mexico* v. *United States of America)* and *Certain Criminal Proceedings in France (Republic of the Congo* v. *France)*; in the latter case the judge *ad hoc* chosen made the solemn declaration required by the Statute and Rules of the Court at the opening of the hearings on the request for the indication of provisional measures made by the applicant Party.

(e) *Chamber of Summary Procedure*

(Statute, Art. 29)

During the period under review, the Court composed the Chamber of Summary Procedure, consisting of five judges and two substitute judges (see p. 22 above).

(f) *Chamber for Environmental Matters*

(Statute, Art. 21; Rules, Arts. 16 and 18)

On 6 February 2003 the Court composed, for a period of three years, the Chamber for Environmental Matters, to consist of seven members (see p. 22 above).

(g) *Constitution of a Chamber to deal with a particular case*

(Statute, Art. 26, para. 2; Rules, Arts. 10, para. 1, and 14)

In the case concerning the *Frontier Dispute (Benin/Niger)*, the Court, by means of an Order, constituted a Chamber on the basis of a request by the Parties in the Special Agreement by which the case was submitted. The President having been informed of the views of the Parties on the composition of the Chamber, the Court formed a Chamber of three Members of the Court together with the two judges *ad hoc* chosen by the Parties.

The Court proceeded in the same way in the case concerning the

Application for Revision of the Judgment of 11 September 1992 in the Case concerning the Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening) *(El Salvador* v. *Honduras)* on the basis of the request of the applicant State that the Court "form the Chamber that will hear the application for revision of the Judgment, bearing in mind the terms that El Salvador and Honduras agreed upon in the Special Agreement of 24 May 1986".

(h) *Presidency of a Chamber*

(Statute, Art. 48; Rules, Arts. 18, 90 and 92)

In both the cases concerning the *Frontier Dispute (Benin/Niger)* and *Application for Revision of the Judgment of 11 September 1992 in the Case concerning the* Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening) *(El Salvador* v. *Honduras)*, the President of the Court was elected a Member of the Chamber and is therefore its President.

2. *Jurisdiction of the Court*

(a) *General*

(Statute, Art. 35; Rules, Art. 38)

On 4 May 2001, Serbia and Montenegro[1], in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina* v. *Serbia and Montenegro)*, submitted a document to the Court, entitled "Initiative to the Court to Reconsider ex officio Jurisdiction over Yugoslavia". The submissions presented in that document were, first, that the Court had no jurisdiction *ratione personae* over Serbia and Montenegro, and, secondly, that the Court should "suspend proceedings regarding the merits of the case until a decision on this Initiative", i.e. on the jurisdictional issue, had been rendered. In a letter dated 12 June 2003, the Registrar informed the Parties in the case that the Court had decided that it could not effect such a suspension of the proceedings in the circumstances of the case.

In the case concerning *Certain Criminal Proceedings in France (Republic of the Congo* v. *France)*, the Republic of the Congo indicated that it sought to found the jurisdiction of the Court, pursuant to Article 38, paragraph 5, of the Rules of Court, "on the consent of the French Republic, which will certainly be given". In accordance with this provision, the Application by the Republic of the Congo was transmitted to the French Government and no further action was taken in the proceedings at that stage. By a letter dated 8 April 2003 and received on 11 April 2003 in the Registry, the French Republic stated that it "consent[ed] to the jurisdiction of the Court to entertain the Application pursuant to Article 38, paragraph 5". This consent made it possible to enter the case in the Court's List and to open the proceedings. In its letter, France added that its consent to the Court's jurisdiction applied strictly within the limits "of the claims formulated by the Republic of the Congo" and that "Article 2 of the Treaty of Co-operation signed on 1 January 1974 by the French Republic and the People's Republic of the Congo, to which the latter refers in its Application, does not constitute a basis of jurisdiction for the Court in the present case". It is the first instance of acceptance of the Court's jurisdiction in accordance with Art. 38, para. 5 of the Rules, as adopted in 1978.

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[1] See footnote 1, p. 110, above.

(b) *Preliminary objections*
(Statute, Art. 36, para. 6; Rules, Art. 79)

In each of the cases concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia* v. *Serbia and Montenegro*[1]*)*, *Certain Property (Liechtenstein* v. *Germany)* and *Territorial and Maritime Dispute (Nicaragua* v. *Colombia)*, the respondent State filed certain preliminary objections to the jurisdiction of the Court and the admissibility of the Application. The proceedings on the merits were accordingly suspended.

(c) *Preliminary phase of the proceedings*
(Statute, Arts. 36, para. 6, and 48; Rules, Arts. 31 and 44)

In the case concerning *Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic Republic of the Congo* v. *Rwanda)*, the Court, taking account of the views of the Parties as expressed at a meeting convened by the President of the Court, decided by an Order of 18 September 2002 that the written pleadings should first be addressed to the questions of the jurisdiction of the Court to entertain the Application and of its admissibility.

3. Contentious Procedure

(a) *Institution of proceedings*
(Statute, Arts. 40 and 63, para. 1; Rules, Arts. 38, 39)

In the cases concerning *Application for Revision of the Judgment of 11 September 1992 in the Case concerning the* Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening) *(El Salvador* v. *Honduras)* and *Avena and Other Mexican Nationals (Mexico* v. *United States of America)* proceedings were instituted by means of an Application. The Registrar proceeded with the requisite communications, in conformity with the Statute and the Rules of Court.

In its Application of December 2002 instituting proceedings against France in the case concerning *Certain Criminal Proceedings in France*

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[1] See footnote 1, p. 110, above.

(*Republic of the Congo* v. *France*), the Republic of the Congo indicated that it sought to found the jurisdiction of the Court, pursuant to Article 38, paragraph 5, of the Rules of Court "on the consent of the French Republic, which will certainly be given". The case was entered in the Court's List and proceedings opened only after France had indeed consented to the jurisdiction of the Court. (see above, under 2 (*a*)).

In the case concerning *Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge* (*Malaysia/Singapore*), proceedings were instituted by the joint notification of a Special Agreement. In this case also the Registrar proceeded with the requisite communications, in conformity with the Statute and the Rules of Court.

(b) *Number of pleadings and fixing or extension of time-limits*

(Statute, Arts. 43, 48 and 61; Rules, Arts. 31, 44-46, 48 and 99, para. 2)

In each of the cases concerning *Ahmadou Sadio Diallo* (*Republic of Guinea* v. *Democratic Republic of the Congo*) and *Application of the Convention on the Prevention and Punishment of the Crime of Genocide* (*Croatia* v. *Serbia and Montenegro*[1]), the Court fixed a time-limit for the filing of the applicant Party's written statement of its observations and submissions on the preliminary objections submitted by the respondent Party.

In the case concerning *Armed Activities on the Territory of the Congo* (*Democratic Republic of the Congo* v. *Uganda*), the Court extended the time-limit for the filing of the Rejoinder by the respondent Party; it also, by another Order, authorized the submission by the applicant Party of an additional pleading relating solely to the counter-claims submitted by the respondent Party and fixed the time-limit for the filing of that pleading.

In the case concerning *Frontier Dispute* (*Benin/Niger*), the Court fixed the time-limit for the filing of a Memorial by each Party.

In its Order in the case concerning *Armed Activities on the Territory of the Congo* (*New Application: 2002*) (*Democratic Republic of the Congo* v. *Rwanda*) deciding that the written proceedings should first be addressed to the questions of the jurisdiction of the Court and the admissibility of the Application (see above under 2 (*c*)), the Court fixed the time-limits for the filing of a Memorial by the respondent Party and of a Counter-Memorial by the applicant Party.

In the case concerning the *Application for Revision of the Judgment of 11 September 1992 in the Case concerning the* Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening) (*El Salvador* v. *Honduras*), the Court fixed the time-limit for the filing of written observations by the respondent Party on the admissibility of the Application for revision.

In the case concerning *Avena and Other Mexican Nationals* (*Mexico* v. *United States of America*), the Court fixed time-limits for the filing of a Memorial by the applicant Party and a Counter-Memorial by the respondent Party. (For the extension of those time-limits, see above, under 1 *(b)*).

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[1] See footnote 1, p. 110, above.

(c) *Filing of pleadings*

(Rules, Art. 50)

In the cases concerning *Territorial and Maritime Dispute (Nicaragua* v. *Colombia)* and *Avena and Other Mexican Nationals (Mexico* v. *United States of America)*, the Memorial of the applicant Party was filed within the time-limit fixed or extended.

In the case concerning *Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic Republic of the Congo* v. *Rwanda)*, the Memorial of the respondent Party and the Counter-Memorial of the applicant Party on the questions of the jurisdiction of the Court and the admissibility of the Application were filed within the time-limits fixed.

Written statements of their observations and submissions on the preliminary objections raised by the respondent Parties were filed by the applicant Parties within the time-limits fixed in the cases concerning *Ahmadou Sadio Diallo (Republic of Guinea* v. *Democratic Republic of the Congo)*, *Legality of Use of Force (Serbia and Montenegro*[1] v. *Belgium) (Serbia and Montenegro*[1] v. *Canada) (Serbia and Montenegro*[1] v. *France) (Serbia and Montenegro*[1] v. *Germany) (Serbia and Montenegro*[1] v. *Italy) (Serbia and Montenegro*[1] v. *Netherlands) (Serbia and Montenegro*[1] v. *Portugal) (Serbia and Montenegro*[1] v. *United Kingdom)*, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia* v. *Serbia and Montenegro*[1]*)* and *Certain Property (Liechtenstein* v. *Germany)*.

In the case concerning *Maritime Delimitation between Nicaragua and Honduras in the Caribbean Sea (Nicaragua* v. *Honduras)*, the applicant Party filed its Reply within the time-limit fixed; in the case concerning *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo* v. *Uganda)*, the respondent Party filed its Rejoinder within the time-limit fixed.

In the case concerning *Application for Revision of the Judgment of 11 September 1992 in the Case concerning the* Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening) *(El Salvador* v. *Honduras)*, the respondent Party filed its written observations on the admissibility of that Application for revision also within the time-limit fixed.

(d) *Presentation of new documents*

(Statute, Art. 52; Rules, Art. 56)

In the case concerning *Oil Platforms (Islamic Republic of Iran* v. *United States of America)*, the respondent Party, on 20 November 2002, filed an expert's report dated 18 November 2002, together with a copy of a diplomatic Note dated 20 November 2002 from the Royal Norwegian Embassy in Washington D.C. to the United States Department of State. By a letter dated 20 January 2003, the Agent of Iran informed the Court that his Government did not object to the production of the above-mentioned documents by the United States and requested that, pursuant to Article 56, paragraph 3, of the Rules of Court, the comments of an expert of Iran on the expert report of the United States "be made part of the record in the case". On 22 January 2003, the Court decided to authorize the production of the above-mentioned documents by the United States and the submission of the comments by Iran; by letters dated the same day, the Registrar communicated this decision to the Parties.

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[1] See footnote 1, p. 110, above.

(e) *Availability of pleadings to States entitled to appear before the Court*

(Rules, Art. 53, para. 1)

In the case concerning *Maritime Delimitation between Nicaragua and Honduras in the Caribbean Sea (Nicaragua* v. *Honduras)*, copies of the pleadings and documents annexed thereto have, after the views of the Parties had been ascertained, been made available to another State entitled to appear before the Court (cf. *I.C.J. Yearbook 2000-2001*, p. 306, under *(e)*). In the cases concerning *Application for Revision of the Judgment of 11 July 1996 in the Case concerning* Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina *v.* Yugoslavia), Preliminary Objections *(Yugoslavia* v. *Bosnia and Herzegovina)* and *Territorial and Maritime Dispute (Nicaragua* v. *Colombia)*, copies of the pleadings and documents annexed thereto were also, after the views of the Parties had been ascertained, made available to a State entitled to appear before the Court.

(f) *Accessibility of pleadings to the public*

(Rules, Art. 53, para. 2)

In the cases concerning *Oil Platforms (Islamic Republic of Iran* v. *United States of America)* and *Application for Revision of the Judgment of 11 July 1996 in the Case concerning* Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina *v.* Yugoslavia), Preliminary Objections *(Yugoslavia* v. *Bosnia and Herzegovina)*, the Court, having consulted the Parties, decided that copies of the pleadings and documents annexed would be made accessible to the public on the opening of the oral proceedings.

(g) *Oral proceedings*

(Statute, Arts. 43, 45 and 46; Rules, Art. 54, 58, 59, 74 and 99, para. 3)

The hearings in the case concerning *Oil Platforms (Islamic Republic of Iran* v. *United States of America)* consisted of two rounds of oral arguments, in which both Parties participated. In the first round the applicant

Party first presented arguments on its claims; the respondent Party then presented arguments on the applicant Party's claims and on its own counter-claim; the applicant Party finally presented arguments on the counter-claim of the respondent Party. A similar procedure was followed in the second round.

In the case concerning *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo* v. *Uganda)*, the applicant State, in a letter dated 5 November 2003, raised the question whether the case might be adjourned to a later date, in April 2004, in order to enable the diplomatic negotiations engaged by the Parties to be conducted in an atmosphere of calm. By a letter of 6 November 2003, the respondent Party indicated that it supported the proposal and adopted the request of the applicant Party. By a letter dated 6 November 2003, the Registrar informed the Parties that the Court, acting under Article 54, paragraph 1, of the Rules of Court, and taking account of the representations made to it by the Parties, had decided that the opening of the oral proceedings would be postponed but had also decided that it was impossible to fix a date in April 2004 for the adjourned hearings. As the Court's judicial calendar for the period from November 2003 until well into 2004 had been adopted some time before, providing for the hearing of, and deliberation on, a number of other cases, the new date for the opening of the oral proceedings in the present case would be fixed in due course.

The hearings in the case concerning *Application for Revision of the Judgment of 11 July 1996 in the Case concerning* Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina *v.* Yugoslavia), Preliminary Objections *(Yugoslavia* v. *Bosnia and Herzegovina)*, devoted to the question of the admissibility of the Application for revision, consisted of two rounds of oral arguments, in which both Parties participated.

The Court also held two series of hearings on the request for the indication of provisional measures by the applicant Party in each of the cases concerning *Avena and Other Mexican Nationals (Mexico* v. *United States of America)* and *Certain Criminal Proceedings in France (Republic of the Congo* v. *France)* (see below, under *(j)*).

(h) *Questions by judges*

(Statute, Art. 45; Rules, Arts. 61 and 72)

During the hearings in the case concerning *Oil Platforms (Islamic Republic of Iran* v. *United States of America)*, one Member of the Court put questions to the respondent Party, while the judge *ad hoc* put questions to both Parties. The replies to these questions were given in writing. Each of the Parties also submitted written observations on the replies which the other Party had furnished in writing, in accordance with Article 72 of the Rules of Court.

During the hearings on the request for the indication of provisional measures by the applicant Party in the case concerning *Avena and Other*

Mexican Nationals (Mexico v. *United States of America)*, one Member of the Court put a question to the respondent Party, to which an oral reply was given.

(i) *Final submissions*

(Rules, Art. 60, para. 2)

In the second round of oral arguments in the case concerning *Oil Platforms (Islamic Republic of Iran* v. *United States of America)*, the Agents of both Parties presented the final submissions of their Governments, with regard to both the claims of the applicant Party and the counter-claim of the respondent Party. These final submissions were also submitted in writing.

In the second round of oral arguments in the case concerning *Application for Revision of the Judgment of 11 July 1996 in the Case concerning* Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina *v.* Yugoslavia), Preliminary Objections *(Yugoslavia* v. *Bosnia and Herzegovina)*, the Agents of both Parties also presented their Governments' final submissions on the admissibility of the Application for revision. These final submissions were also submitted in writing.

In the second round of oral arguments on the request for indication of provisional measures in each of the cases concerning *Avena and Other Mexican Nationals (Mexico* v. *United States of America)* and *Certain Criminal Proceedings in France (Republic of the Congo* v. *France)*, the applicant Party confirmed its request, while the respondent Party asked the Court to dismiss that request.

(j) *Provisional measures*

(Statute, Arts. 41 and 48; Rules, Arts. 73 and 74)

In the case concerning *Avena and Other Mexican Nationals (Mexico* v. *United States of America)*, the applicant Party submitted a request for the indication of provisional measures on the same day on which the Application was filed; the Registrar proceeded immediately with the required transmittals. Public hearings on the request at which both Parties presented oral observations were held twelve days later. Fifteen days after the hearing, the Court unanimously adopted an Order indicating provisional measures.

In the case concerning *Certain Criminal Proceedings in France (Republic of the Congo* v. *France)*, the Application was accompanied by a request for the indication of a provisional measure. Taking into account the consent given by the respondent Party and in accordance with Article 74, paragraph 3, of the Rules of Court, the President of the Court fixed a date for the hearings on that request which fell 17 days after the case was entered in the Court's List and proceedings were opened. One and a half months after those hearings the Court made an Order by which it rejected the request for the indication of provisional measures.

(k) *Separate and dissenting opinions and declarations*

(Statute, Art. 57; Rules, Art. 95, para. 2)

In the case concerning *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon* v. *Nigeria: Equatorial Guinea intervening)*, three judges appended declarations to the Judgment of the Court. Three judges and one judge *ad hoc* appended separate opinions. One judge and the other judge *ad hoc* appended dissenting opinions.

In the case concerning *Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia)*, one judge appended a declaration to the Judgment of the Court. One of the judges *ad hoc* appended a dissenting opinion.

In the case concerning *Application for Revision of the Judgment of 11 July 1996 in the Case concerning* Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina *v.* Yugoslavia), Preliminary Objections *(Yugoslavia* v. *Bosnia and Herzegovina)*, one judge and one of the judges *ad hoc* appended separate opinions to the Judgment of the Court. Another judge and the other judge *ad hoc* appended dissenting opinions. One judge appended a declaration.

In the case concerning *Avena and Other Mexican Nationals (Mexico* v. *United States of America)*, one judge appended a declaration to the Court's Order indicating provisional measures.

In the case concerning *Certain Criminal Proceedings in France (Republic of the Congo* v. *France)* two judges appended a joint separate opinion to the Court's Order on the request for the indication of provisional measures. The judge *ad hoc* appended a dissenting opinion.

(l) *Reading of the decision of the Court*

(i) *Judgments*

(Statute, Art. 58; Rules, Art. 94)

The Judgments of the Court in the cases concerning *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon* v. *Nigeria: Equatorial Guinea intervening)*, *Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia)* and *Application for Revision of the Judgment of 11 July 1996 in the Case concerning* Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina *v.* Yugoslavia), Preliminary Objections *(Yugoslavia* v. *Bosnia and Herzegovina)* were read at public sittings; in view of the length of the texts, the President omitted or summarized certain passages.

(ii) *Orders*

The Order indicating provisional measures in the case concerning *Avena and Other Mexican Nationals (Mexico* v. *United States of America)* was also read, by the President, at a public sitting. The same was the case for the Order on the request for the indication of provisional measures in the case concerning *Certain Criminal Proceedings in France (Republic of the Congo* v. *France)*.

(m) *Revision*

(Statute, Art. 61; Rules, Arts. 99 and 100)

During the period under review, the Court held hearings (see above, under *(g)*) and rendered its Judgment in the case concerning *Application for Revision of the Judgment of 11 July 1996 in the Case concerning* Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina *v.* Yugoslavia), Preliminary Objections *(Yugoslavia* v. *Bosnia and Herzegovina)*. The Court found that the request for revision was inadmissible.

Another application for revision of a judgment was made by El Salvador, with regard to the Judgment of 11 September 1992, rendered by the Chamber of the Court in the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening)*. By an Order the Court formed a Chamber (see above, under I *(g)*) and fixed the time-limit for the filing of written observations by the respondent Party (Honduras) on the admissibility of the Application for revision. These observations were deposited within the time-limit fixed (see above, under *(b)* and *(c)*).

III. MUSEUM OF THE COURT

On 17 May 1999, the Secretary-General of the United Nations, H.E. Mr. Kofi Annan, inaugurated the Museum of the International Court of Justice (and of the other institutions in the Peace Palace) situated in the south wing of the Peace Palace.

Its collection presents an overview of the theme "Peace through Justice", highlighting the history of the Hague Peace Conferences of 1899 and 1907; the creation at that time of the Permanent Court of Arbitration; the consequent construction of the Peace Palace as a seat for international justice; and the Permanent Court of International Justice and the present Court (the genesis of the United Nations; the Court and its Registry; the attire of the Judges; the Bench at present; the provenance of Judges and cases; the procedure of the Court; the world's legal systems; the case-law of the Court; prominent visitors).

IV. VISITS

A. Visits of the Secretary-General of the United Nations

On 22 November 2002, the Secretary-General of the United Nations, H.E. Mr. Kofi Annan, made an official visit to the Court. He was received by the President and Members of the Court and had a private exchange of views with them in the Court's Deliberation Room.

The Secretary-General also paid a courtesy visit to the President of the Court on 10 March 2003.

B. Official Visits of Heads of State

Visit of the President of the United Mexican States

On 28 January 2003, Mr. Vicente Fox Quesada, President of the United Mexican States, was received by the Court. At a solemn sitting organized in the Great Hall of Justice and attended by the diplomatic corps and representatives of the Dutch authorities, the International Criminal Tribunal for the former Yugoslavia, the Iran-United States Claims Tribunal, the Permanent Court of Arbitration and other international institutions located in The Hague, the President of the Court made a speech, to which the President of the United Mexican States replied.

President Guillaume recalled that Mexico "has always been, and continues to be, an avid proponent of the pacific settlement of international disputes". "It was", he said, "the only Latin American State to participate in 1899 in the Hague [Peace] Conference" and had readily submitted a number of disputes to arbitral tribunals in the late nineteenth and early twentieth centuries. President Guillaume observed that Mexico had accepted the compulsory jurisdiction of the International Court of Justice as early as 28 October 1947 by the deposit of a declaration with the United Nations Secretary-General. "I am pleased to note today that that declaration is still in force", President Guillaume stated, adding that Mexico had, moreover, chosen "some of its most eminent jurists to sit as judges at the Court", namely Judges Fabela, Córdova and Padilla Nervo.

President Fox, for his part, stressed that "the Mexican people believes and will always believe in the immense power of law", adding that his country "had pleaded in various international fora in favour of an increase in the sums allocated to the Court in order to allow the latter to continue effectively to fulfil its mission". "Mexico will pursue its efforts in this respect", he declared. Turning to the issue of the proliferation of international tribunals, the Mexican President stated that he was of the opinion that it could jeopardize the unity of international law. "Mexico believes that a study should be undertaken in order to avoid a paradoxical situation in which forum choice and lack of consistency in decisions might aggravate disputes between States rather than resolve them." In this regard the President stated that in Mexico's view the Court, as principal judicial organ of the United Nations, "has a role to play in ensuring unity in the law. Other international courts should take account of the Court's jurisprudence, thus promoting unity in the law in the settlement of the cases which they hear."

C. Other Visits

During the period under review, the President and Members of the Court, the Registrar and officials of the Registry received further a great number of visits of, *inter alia*, members of government, diplomats, parliamentary delegations, presidents and members of judicial bodies, as well as other high officials.

A great number of groups of scholars and academics, lawyers and legal professionals, as well as others, were also received.

V. TWENTIETH ANNIVERSARY OF THE OPENING FOR SIGNATURE OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA OF 1982

On 9 and 10 December 2002, the Court participated in New York in the celebration of the twentieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea. Since the President of the Court, Judge Gilbert Guillaume, was prevented from attending by other commitments, Judge Raymond Ranjeva conveyed the Court's message of congratulation to the United Nations General Assembly and to the States parties to the Montego Bay Convention.

Judge Ranjeva stressed the importance of the Montego Bay Convention, which represented the culmination of 20 years of efforts to codify and develop the law of the sea. He furthermore drew attention to the Court's role as one of the means available for the settlement of disputes arising from the Convention, pursuant to Article 287, paragraph 1.

This celebration provided the Court with an opportunity to give a brief account of its work in matters concerning the law of the sea, in particular maritime delimitation and freedom of navigation. The Court pointed out that such matters have always constituted, and continue to constitute, a significant proportion of its judicial work. Its jurisprudence has thus consolidated this field of the law and provided States with greater legal certainty.

VI. ADDRESSES, LECTURES AND PUBLICATIONS ON THE WORK OF THE COURT

During the period covered by this report, the President of the Court made a declaration to the press after the reading of the Judgment in the case concerning *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon* v. *Nigeria: Equatorial Guinea intervening)*; the purpose of his declaration was to explain the Court's Judgment.

On 29 October 2002, the President made a declaration before the United Nations Security Council, in a private session, on "The Maintenance of International Peace and Security, the International Court of Justice and the Security Council". On the same day, he made a declaration at the 37th plenary meeting of the fifty-seventh session of the General Assembly on the occasion of the presentation of the Court's

Annual Report, and, on 30 October 2002, he addressed the Sixth Committee of the General Assembly on the human rights and environmental law aspects of the Court's case law. On 4 December 2002, the President gave an address at the ceremonial sitting held on the occasion of the fiftieth anniversary of the Court of Justice of the European Communities in Luxembourg. On 15 July 2003, the President addressed the United Nations International Law Commission, during its fifty-fifth session (second part), which was held at Geneva.

In order to promote better understanding of the Court and its role within the United Nations, the President, Members of the Court, the Registrar and members of the Registry staff gave a large number of speeches and presentations, at a wide range of venues: the Catholic University of Louvain (Belgium); the University of Bello Horizonte, Minas Geraïs (Brazil); the Conference of Ambassadors of France, Paris, the Colloquium of the Ministry of Education and Research, Paris, and the Colloquium of the Société française de droit international on the "Juridictionalisation du droit international", Lille (France); the Colloquium of Indemer on "The Law of Maritime Delimitation" (Monaco); the Joint Seminar of the Romanian Ministry of Foreign Affairs and the T.M.C. Asser Institute on "Nicolae Titulescu", The Hague (Netherlands); the Annual Conference of the Asian-African Legal Consultative Organization, Seoul (Republic of Korea); the Moscow Friendship of Peoples University (Russian Federation); the Swiss Federal Department of Foreign Affairs, Berne, and the Colloquium of the Société française de droit international on "The Practice of International Law", Geneva (Switzerland); and Columbia University, New York (United States of America).

The subjects that were covered included: the work of the Court, its past and future role; peace and international security; international law and foreign policy; terrorism and international justice; international law and public opinion; and other related subjects.

Articles and studies have been published on the following topics among others: the Court at the beginning of the twenty-first century; the Court at a new stage of its development; the International Court of Justice, the European Court of Justice, and the integrity of international law; the departure of a Member of the Court; low-tide elevations in international law; and the relationship between international and national law in the practice of the Court.

VII. REPORT AND REPRESENTATION OF THE COURT AT THE GENERAL ASSEMBLY

On the occasion of the fifty-seventh session of the General Assembly, the Court submitted a report on its activities covering the period from 1 August 2001 to 31 July 2002 (A/57/4). This report was divided into an introductory summary and ten further chapters, relating to the organization, jurisdiction and judicial work of the Court, visits, lectures, the

Court's publications and documents, and administrative and budgetary issues. The General Assembly took note of the report at its 37th plenary meeting held on 29 October 2002.

On that occasion the President, who, with the Registrar, represented the Court at the fifty-seventh session of the General Assembly, addressed that body on the role and functioning of the Court (A/57/PV.32). The full text of the address is reproduced in the Appendix to this Chapter (see below p. 327). Following the presentation of the Court's report by its President, the representatives of Costa Rica, Peru, Cameroon, Malaysia, the Russian Federation, Japan, Mexico, Singapore, Mongolia, Guatemala and the Republic of Korea made statements. Those Members of the Court who were present in New York also attended part of the fifty-seventh session of the General Assembly.

A report dealing with the period 1 August 2002 to 31 July 2003 will be submitted on the occasion of the fifty-eighth session of the General Assembly (A/58/4).

VIII. APPLICATIONS FROM PRIVATE PERSONS

Private persons frequently apply to the Court for the purpose of obtaining a decision on matters at issue between them and the authorities of their own or of another country. Between 1 August 2002 and 31 July 2003 the Court received approximately 2,000 requests of this kind. The writers were informed that, according to Article 34 of the Statute, "only States may be parties in cases before the Court".

APPENDIX

1. ACTION PURSUANT TO ADVISORY OPINIONS OF THE COURT

The present heading contains the information received in the Registry between 1 August 2002 and 31 July 2003 concerning action taken pursuant to certain Advisory Opinions of the Court. The Registry, which does not take the initiative of seeking such information, publishes it without comment as and when it is received and can accept no responsibility in connection with it.

Legality of the Threat or Use of Nuclear Weapons

By a note dated 15 October 1996 the Secretary-General of the United Nations transmitted the text of the Advisory Opinion given by the Court on 8 July 1996 to the General Assembly (United Nations doc. A/51/218)[1].

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[1] See *I.C.J. Yearbook 1995-1996*, pp. 212-223.

At the 79th plenary meeting of its fifty-first session, held on 10 December 1996, the General Assembly adopted resolution 51/45 M, at the 67th plenary meeting of its fifty-second session, held on 9 December 1997, resolution 52/38 O, at the 79th plenary meeting of its fifty-third session, held on 4 December 1998, resolution 53/77 W, at the 69th plenary meeting of its fifty-fourth session, held on 1 December 1999, resolution 54/54 Q, at the 69th plenary meeting of its fifty-fifth session, held on 20 November 2000, resolution 55/33 X, and at the 68th plenary meeting of its fifty-sixth session, held on 29 November 2001, resolution 56/24 S, the full texts of which are reproduced in *I.C.J. Yearbook 1996-1997*, pp. 205-206, *I.C.J. Yearbook 1997-1998*, pp. 286-288, *I.C.J. Yearbook 1998-1999*, pp. 313-315, *I.C.J. Yearbook 1999-2000*, pp. 278-280, *I.C.J. Yearbook 2000-2001*, pp. 317-319 and *I.C.J. Yearbook 2001-2002*, pp. 306-307, respectively.

At the 57th plenary meeting of its fifty-seventh session, held on 22 November 2002, the General Assembly adopted resolution 57/85, the full text of which is reproduced below:

"Follow-up to the Advisory Opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*

The General Assembly,

Recalling its resolutions 49/75 K of 15 December 1994, 51/45 M of 10 December 1996, 52/38 O of 9 December 1997, 53/77 W of 4 December 1998, 54/54 Q of 1 December 1999, 55/33 X of 20 November 2000 and 56/24 S of 29 November 2001,

Convinced that the continuing existence of nuclear weapons poses a threat to all humanity and that their use would have catastrophic consequences for all life on Earth, and recognizing that the only defence against a nuclear catastrophe is the total elimination of nuclear weapons and the certainty that they will never be produced again,

Reaffirming the commitment of the international community to the goal of the total elimination of nuclear weapons and the creation of a nuclear-weapon-free world,

Mindful of the solemn obligations of States parties, undertaken in article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, particularly to pursue negotiations in good faith on effective measures relating to cessation of the nuclear-arms race at an early date and to nuclear disarmament,

Recalling the principles and objectives for nuclear non-proliferation and disarmament adopted at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,

Emphasizing the unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, adopted at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,

Recalling the adoption of the Comprehensive Nuclear-Test-Ban Treaty in its resolution 50/245 of 10 September 1996, and expressing its satisfaction at the increasing number of States that have signed and ratified the Treaty,

Recognizing with satisfaction that the Antarctic Treaty and the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba are gradually freeing the entire southern hemisphere and adjacent areas covered by those treaties from nuclear weapons,

Noting the signing of the Treaty on Strategic Offensive Reductions ('the Moscow Treaty'), by the United States of America and the Russian Federation on 24 May 2002, following the demise of the Treaty on the Limitation of Anti-Ballistic Missile Systems, and urging them to take further steps under the Moscow Treaty as well as through bilateral arrangements or agreements and unilateral decisions towards the irreversible reduction of their nuclear arsenals,

Stressing the importance of strengthening all existing nuclear-related disarmament, arms control and reduction measures,

Recognizing the need for a multilaterally negotiated and legally binding instrument to assure non-nuclear-weapon States against the threat or use of nuclear weapons,

Reaffirming the central role of the Conference on Disarmament as the single multilateral disarmament negotiating forum, and regretting the lack of progress in disarmament negotiations, particularly nuclear disarmament, in the Conference during its 2002 session,

Emphasizing the need for the Conference on Disarmament to commence negotiations on a phased programme for the complete elimination of nuclear weapons with a specified framework of time,

Expressing its deep concern at the lack of progress in the implementation of the thirteen steps to implement article VI of the Treaty on the Non-Proliferation of Nuclear Weapons agreed to at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,

Desiring to achieve the objective of a legally binding prohibition of the development, production, testing, deployment, stockpiling, threat or use of nuclear weapons and their destruction under effective international control,

Recalling the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*, issued on 8 July 1996,

Taking note of the relevant portions of the note by the Secretary-General relating to the implementation of resolution 56/24 S,

1. *Underlines once again* the unanimous conclusion of the International Court of Justice that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control;

2. *Calls once again upon* all States immediately to fulfil that obligation by commencing multilateral negotiations leading to an early conclusion of a nuclear weapons convention prohibiting the development, production, testing, deployment, stockpiling, transfer, threat or use of nuclear weapons and providing for their elimination;

3. *Requests* all States to inform the Secretary-General of the efforts and measures they have taken on the implementation of the present resolution and nuclear disarmament, and requests the Secretary-General to apprise the General Assembly of that information at its fifty-eighth session;

4. *Decides* to include in the provisional agenda of its fifty-eighth session the item entitled 'Follow-up to the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*'." [Footnotes not reproduced.]

2. THE ROLE AND FUNCTIONING OF THE COURT

At the 37th meeting of the fifty-seventh session of the General Assembly, held on 29 October 2002, at which the Assembly took note of the report of the Court for the period from 1 August 2001 to 31 July 2002 (see above, p. 324), the President of the Court, Judge Gilbert Guillaume, gave the following address:

[Translation]

"Mr. President, Excellencies, Ladies and Gentlemen,

It is an honour for me once again to address the General Assembly of the United Nations on the occasion of its examination of this latest report of the International Court of Justice for the period 1 August 2001 to 31 July 2002.

It is a particular pleasure to address you today under the presidency of Mr. Jan Kavan, Deputy Prime Minister and Minister for Foreign Affairs for the Czech Republic. I congratulate him on his well-merited election to the presidency of the 57th session of this Assembly and wish him every success in this distinguished office with which you have entrusted him.

Mr. President,

Every year now, for close on a decade, this Assembly has accorded the President of the Court the opportunity to address it, thereby demonstrating its particular attachment to the Court, the Organization's principal judicial organ. This honour that you do us is one of which we are highly appreciative.

The Court has made its usual annual report to the Assembly, accompanied by a summary, from which it can be seen that our docket remains extremely full and our activity sustained. Addressing you a year ago, I reported a total of 22 cases entered on our List, whereas the figure now is 24.

These cases come from every continent and touch on an extremely wide range of issues.

A classic type of dispute involves proceedings between States concerning the treatment of foreign nationals and property. We have two examples of this kind, one between Guinea and the Democratic Republic of the Congo, the other between Liechtenstein and Germany.

Another fertile source of litigation is territorial and boundary disputes, both land and maritime. We currently have four such disputes before us: Indonesia and Malaysia, Nicaragua and Honduras, Nicaragua and Colombia and Benin and Niger. The last two of these cases are new ones, and I should, in passing, like to take this opportunity to congratulate Benin and Niger on their decision, taken by joint agreement, to submit their frontier dispute to a chamber of the Court.

Others of our cases are linked more directly to events concerning the maintenance of international peace and security which this Assembly or the Security Council have had to address, including the destruction of Iranian oil platforms in 1987 and 1988, the consequences of the explosion of an American civil aircraft over Lockerbie in Scotland, the crises in Bosnia and Herzegovina and Kosovo and the situation in the African Great Lakes region, which has recently been the subject of new proceedings brought by the Democratic Republic of the Congo against Rwanda.

Since August 2001, the Court has thus once again witnessed an increase in the number of cases on its List, despite its intense and sustained judicial activity throughout the past year. In all, while receiving three new cases during this period, the Court has given final decisions on the merits in two difficult cases, as well as ruling on an application for permission to intervene and on the admissibility of various counter-claims. It has also dealt with a request for the indication of provisional measures. These have been important decisions, about which I should like to say a few words.

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I would first remind the Assembly of the Judgment handed down by the Court on 23 October 2001 in proceedings between Indonesia and Malaysia regarding sovereignty over Pulau Ligitan and Pulau Sipadan. The Philippines had sought to intervene in the case, while at the same time making it clear that it had no claim over the islands in question. Giving a broad interpretation to Article 62 of its Statute, the Court accepted that a State may intervene not only when the operative part of a judgment is capable of affecting its legal interests, but also where those interests relate to the reasoning constituting the necessary underpinning of that operative decision. The Court held, however, that in the particular circumstances of the case the Philippines had not established that it had such an interest and its request to intervene could not therefore be accepted, though the proceedings have enabled the Court to become cognizant of the Philippine position.

The judicial year just ended has been marked by a second Judgment, rendered on 14 February 2002, settling a dispute between the Democratic Republic of the Congo and Belgium concerning an international arrest warrant issued on 11 April 2000 by the Belgian judicial authorities against Mr. Yerodia Ndombasi, who was at the time the Congo's Foreign Minister. In that Judgment the Court held that the issue of the warrant and its international circulation had constituted a violation by Belgium of the immunity from criminal jurisdiction and inviolability enjoyed by Foreign Ministers under customary international law. The Court further decided that, in so acting, Belgium had engaged its international responsibility and must accordingly, by means of its own choosing, cancel the disputed arrest warrant and so inform the authorities to whom that warrant had been circulated.

The Judgment thereby settled an important issue of current interest, one which it was addressing for the first time: namely the question of the immunity from jurisdiction of Ministers for Foreign Affairs. In this regard the Court held that 'the functions of the Minister for Foreign Affairs are such that, throughout the duration of his or her office, he or she when abroad enjoys full immunity from criminal jurisdiction and inviolability. That immunity and that inviolability protect the individual concerned against any act of authority of another State which would hinder him or her in the performance of his or her duties', irrespective of the offence with which such individual is charged.

The Court made it clear, however, that immunity does not signify impunity: a Minister in office can of course be tried before the criminal courts of his own country, in accordance with the law of that country. Furthermore, his immunity may in a particular case be waived by his national authorities in favour of a foreign jurisdiction. Immunity may also be lifted in the case of proceedings before international courts or tribunals if their founding statutes so provide. Finally, where a person ceases to hold the office of Foreign Minister, he or she will lose all immunity before competent foreign courts in respect of acts committed prior or subsequent to his or her period of office, as well as in respect of acts committed during that period of office in a private capacity.

Mr. President,

In the domain of international peace and security, the Court also handed down a number of decisions in the course of the year 2001 concerning the African Great Lakes region.

First came an Order made on 20 November 2001 in the dispute between the Democratic Republic of the Congo and Uganda. The respondent State had submitted counter-claims, and the Court had to decide on the admissibility of those claims. It held admissible those claims which were directly connected with the principal claim, dismissing the others.

Subsequently, the Court had to address a request for the indication of provisional measures by the Democratic Republic of the Congo against Rwanda. By Order of 10 July 2002 the Court rejected the request on grounds of lack of prima facie jurisdiction. At the same time it dismissed Rwanda's submissions seeking to have the case removed from the List on grounds of manifest lack of jurisdiction.

The Court took the opportunity to remind the Parties that there is a fundamental distinction between the question of acceptance by a State of the Court's jurisdiction and that of the compatibility of certain acts with international law. Whether or not States accept the jurisdiction of the Court, they are bound to comply with the United Nations Charter and remain responsible for acts attributable to them which are in breach of international law.

These two cases are continuing.

Mr. President,

The Court's most recent Judgment has been in the case of the *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon* v. *Nigeria: Equatorial Guinea intervening)*.

In 1994 Cameroon seised the Court of a dispute with Nigeria in regard to sovereignty over the Bakassi Peninsula. Cameroon subsequently widened the scope of its Application, requesting the Court to determine the land boundary between the two States from Lake Chad to the sea and to delimit their respective maritime areas. It also claimed reparation from Nigeria on account of damage suffered as a result of the occupation of Bakassi and Lake Chad, as well as of various frontier incidents. Nigeria responded by raising eight preliminary objections on grounds of lack of jurisdiction and inadmissibility, which were addressed by the Court in a Judgment of 11 June 1998. Nigeria went on to submit a request for interpretation of this initial Judgment, on which the Court ruled on 25 March 1999. Nigeria then submitted counter-claims and Equatorial Guinea an application for permission to intervene, whose admissibility we had to address.

The written pleadings exceeded 6,000 pages, the hearings lasted five weeks and the deliberations seven months. On 10 October 2002 the Court handed down its Judgment, which runs to over 150 pages.

The Court held that the boundary between Cameroon and Nigeria had been fixed by treaties concluded during the colonial period, whose validity it confirmed. In consequence the Court decided that, pursuant to the Anglo-German Agreement of 11 March 1913, sovereignty over Bakassi lay with Cameroon. Likewise, the Court determined the boundary in the Lake Chad area in accordance with a Franco-British Exchange of Notes of 9 January 1931 and rejected Nigeria's claims in that area. The Court also defined with extreme precision the course of the land boundary between the two States in 17 other disputed sectors.

The Court then went on to determine the maritime boundary between the two States. It began by confirming the validity of the Yaoundé II and Maroua Declarations, whereby, in 1971 and 1975, the Heads of State of Cameroon and Nigeria had agreed the maritime boundary separating the territorial seas of the two States. Then, in regard to the maritime boundaries further out to sea, the Court adopted as the delimitation line the equidistance line between Cameroon and Nigeria, which appeared to it in this case to produce equitable results as between the two States.

Drawing the consequences of its determination of the land boundary, the Court held that each of the two States is under an obligation expeditiously and without condition to withdraw its administration and military and police forces from areas falling within the sovereignty of the other.

In the reasoning of its Judgment the Court also noted that the implementation of the Judgment would provide the Parties with a beneficial opportunity for co-operation. It took note of Cameroon's undertaking at the hearings that, 'faithful to its traditional policy of hospitality and tolerance', it 'will continue to afford protection to Nigerians living in the Bakassi Peninsula and in the Lake Chad area'. Finally, the Court rejected each Party's State responsibility claims against the other.

This Judgment brings to a close a difficult frontier dispute. Its implementation, possibly with United Nations assistance, will, we hope, mark the opening of a new era in relations between two neighbour and brother countries.

Having thus analysed the most important of the Court's decisions in the course of the past year, I will not now burden you with details of the other decisions – and in particular the further 15 Orders, of extremely varied content – rendered by us.

I would simply add that we are planning, in the course of the next few weeks, to deliver our Judgment on the merits in the case concerning *Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia)*. And at the beginning of this coming month we shall be holding hearings on the request submitted by the Federal Republic of Yugoslavia for revision of the Court's Judgment of 11 July 1996, in which we had found that we had jurisdiction to hear the Application by Bosnia and Herzegovina based on the Convention on the Prevention and Punishment of the Crime of Genocide. We hope to decide this case also before 6 February 2003, when the new composition of the Court will take effect, pursuant to the vote on 21 October last.

Mr. President,

Despite these efforts, the Court's docket remains over-burdened. Several cases will become ready for hearing in 2003, and we shall have to pursue our search for solutions in order to avoid excessive delays in the examination of those cases.

Over recent years the Court has carried out a number of reviews of its procedures in an endeavour to expedite the treatment of cases, and I feel it would be not unhelpful to summarize the current position in this regard.

First, the Court has sought to reduce the length of written and oral proceedings. To this end it has amended Articles 79 and 80 of its Rules in order to speed up consideration of preliminary objections and to clarify the conditions for dealing with counter-claims. It has decided to apply more strictly Article 45 of those Rules, under which a single exchange of written proceedings must be regarded as the norm in cases initiated by application. Finally, it has taken the view that it should limit the length of oral presentations in accordance with Article 60 of the Rules, in particular as regards the second round of pleadings.

The Court has also circulated to parties a certain number of practice directions, again aimed at reducing the quantity and length of written pleadings and the duration of hearings. Thus it now asks parties who submit a case by special agreement to avoid the simultaneous filing of pleadings, which often unduly prolongs the proceedings and results in an unnecessary proliferation of documents. It asks them to be rigorously selective in the documents which they append to their pleadings and to provide the Court with any available translations of pleadings and annexes. The Court further considers that, where preliminary objections have been raised by a party under Article 79 of the Rules, the other party should generally be able to file its observations on those objections within a maximum of four months. Finally, the Court asks the parties, save in exceptional cases, not to present new documents after the close of written proceedings.

The Court has also decided, by way of experiment, to simplify its own deliberations. Where it has to address two cases both raising questions of jurisdiction or admissibility, it will be able to hear them in immediate succession, and then consider them concurrently. It has reviewed its prior practice whereby, on the close of the oral proceedings, each Court Member prepares a written Note on the case, which is then circulated to the other judges. From now on, in incidental proceedings or straightforward cases, the Court will deliberate without written Notes. It has also agreed that in other cases Notes will be as concise as possible.

If these new procedural measures are to achieve results, the price to be paid is harder work by both judges and Registry. And this is what we have done, and will continue to do. Thus for example this year the Court decided to go on working until the end of July, to confine its judicial vacation to the month of August and to recommence its deliberations on 3 September.

This increase in work-rate presupposed that the Court and its Registry be accorded additional resources. In this regard I am bound to thank this Assembly for its response to my urgent appeal to you from this same podium one year ago. The Court's budget for the biennium 2002-2003 was increased to 11,436,000 US dollars per year. That increase was not as great as might have been wished, as a result in particular of the across-the-board cuts to support programmes imposed on all United Nations bodies. Nonetheless, it has enabled us to increase staff numbers to 91 posts (of which 77 are permanent) and to recruit additional translators, lawyers and administrative staff. At the same time, the Court has been making efforts to upgrade its IT network and has continued to develop its internet site.

These various measures have already borne fruit in new cases. Thus the *LaGrand* case between Germany and the United States was brought to judgment in 26 months and the Yerodia case (*Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium)*) in 16 months. The Court was able to rule in the space of seven months on the admissibility of Uganda's counter-claims against the Democratic Republic of the Congo, and again within seven months on the intervention sought by the Philippines in the case concerning *Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia)*. Requests for provisional measures have been dealt with in periods ranging from 24 hours to a few weeks.

We are pursuing these efforts, whilst at the same time seeing to it that the quality of our work is maintained, and we hope that the budgetary authorities will, for their part, continue to make their contribution to this. The Court today plays an important role in the prevention and resolution of international disputes. Peace between Nations cannot be assured by the work of the Court alone, but the Court can make a substantial contribution in this regard, and we are delighted to see more and more States bringing their disputes to us.

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This growth in international litigation does, however, pose a number of problems, which I discussed with you last year, pointing out the risks to international law as a result of the proliferation of international courts. I suggested solutions to this problem. They are just as relevant today, but I will not return to the point this year.

On the other hand, I would once again like to raise with you the question of the special Trust Fund set up by the United Nations Secretary-General in 1989 to provide assistance to States unable to afford the full expense of proceedings before the Court.

Justice must be accessible to all, and in every system there are arrangements, some more satisfactory than others, enabling the poorest citizens to institute legal proceedings, or to defend themselves against such proceedings. The same ought to apply to the International Court.

It's true that access to the Court is free. However, submitting a dispute to the Court still involves various costs: fees for agents, counsel, advocates and experts; preparation and reproduction of pleadings, annexes and maps; expenses in connection with oral hearings; and in certain cases the costs arising out of implementation of a judgment (for example for the demarcation of a boundary fixed by the Court).

Since its creation the Secretary-General's Trust Fund to assist the poorest States to meet such expenditure has undoubtedly played a useful role, but that role has remained a limited one. The Court has therefore asked me to pass on to you its concerns in this regard. These are threefold.

In the first place, the Fund's Statute allows it to be used only in cases submitted by special agreement. There is no such restriction in the case of the funds set up, following the United Nations example, for proceedings before the International Tribunal for the Law of the Sea or the Permanent Court of Arbitration. It would seem desirable that our Fund too could be applied in any type of case, as long as there was no dispute over jurisdiction or the admissibility of applications, or once any preliminary objections had been dismissed. Similarly, the range of costs eligible for financing out of the Fund should be broadened so as to bring the provisions applicable to the Court into line with those for other institutions.

It is, moreover, a matter of some surprise that, since the Fund's creation, only four States have approached it, one of which in fact decided not to draw on the sums promised because of the complexity of the procedures involved. It seemed to the Court that these procedures could be simplified, and we note that the Secretary-General has been kind enough to take action in this regard. The question also arises whether, in certain circumstances, there should not be provision for States to obtain advances.

Finally, if the Fund is to act, it must dispose of sufficient resources. May I say how grateful I am to those States which have contributed, some quite recently, to the financing of the Fund. I note, however, that over the years these contributions have significantly diminished.

both in numbers and in amounts, and I now appeal again to those States able to do so to increase the resources available to the Fund.

The Court is not responsible for the management of the Fund. It nonetheless welcomes the operational improvements already adopted and hopes that the Fund will in the future be in a position to carry out its mission in full.

Mr. President, Excellencies, Ladies and Gentlemen,

The international community needs courts. The States composing that community have become increasingly aware of that fact. The International Court of Justice is glad of this, and I can assure you that the Court will pursue its efforts to respond to the hopes placed in it. The Court thanks you for your help and counts on you for continuing support in years to come, in the interests of justice, peace and law."

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On 30 October 2002, President Guillaume gave the following address to the Sixth Committee of the General Assembly:

[Translation]

"Mr. Chairman, Ladies and Gentlemen,

It is with great pleasure that, under your honourable chairmanship, I find myself today addressing this Sixth Committee of the General Assembly of the United Nations for the third time. I am most grateful for your invitation and trust that I shall be able to fulfil the expectations that you have been kind enough to place in me.

On Monday I presented the Court's Annual Report to the General Assembly, from which it can be seen that in the year 2002 we will have handed down three major substantive judgments, as well as several procedural decisions. It is also apparent that our case-load remains a particularly heavy one: despite sustained judicial activity, we still have 24 cases pending at the Peace Palace. We welcome the confidence which States continue to place in us and will pursue our efforts to respond to it.

As a result of this growth in our activities, we have found ourselves developing our jurisprudence in an increasingly wide variety of fields. I spoke to you last year about one of those areas – indeed a classic one – that of maritime delimitation. Today I should like to call your attention to other, less well-known aspects of our case law: they concern two fields too often regarded as the province of specialists, namely human rights and environmental law.

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Already in the period between the two World Wars, the Permanent

Court of International Justice was having to address matters of human rights over an issue which has again become highly relevant to us today: namely, the rights of minorities.

In its Advisory Opinion of 10 September 1923 in the case of *German Settlers in Poland* the Permanent Court held that the equality guaranteed by the relevant treaties implied not only 'absence of discrimination in the words of the law', but also no discrimination in fact where the law ostensibly prescribed equality. The Court accordingly condemned a Polish law of 1920 which, while drafted in ostensibly neutral terms, was in fact directed solely at German farmers who had settled in Poland before the First World War under leases granted by the Prussian State[1].

On 4 February 1932 the Permanent Court took a similar line in its Advisory Opinion on the *Treatment of Polish Nationals and Other Persons of Polish Origin or Speech in the Danzig Territory*. The Court thus condemned a measure 'which in terms [was] of general application, but in fact [was] directed against Polish nationals and other persons of Polish origin or speech'[2].

The Permanent Court took this approach a stage further with its decision in the case of the *Minority Schools in Albania*. In its Advisory Opinion of 6 April 1935 the Court, while confirming its prior jurisprudence condemning laws drawn in ostensibly neutral terms but discriminating in practice against minorities, went further, holding that:

> 'Equality in law precludes discrimination of any kind; whereas equality in fact may involve the necessity of different treatment in order to attain a result which establishes an equilibrium between different situations.'[3]

In so deciding, the Court laid the foundation for what would become some decades later the policy of positive discrimination in favour of minorities, thus paving the way for the famous 'affirmative action', so dear to American liberals in the 1970s.

Finally, the Permanent Court's Opinion of 4 December 1935 regarding the *Consistency of Certain Danzig Legislative Decrees with the Constitution of the Free City* afforded the Court the opportunity solemnly to affirm certain fundamental principles of criminal law which remain relevant today. Taking its cue from Nazi legislation of the period, the city of Danzig had amended its criminal code so as to provide that:

> 'Where there is no legal provision expressly applicable, a person may . . . be punished provided that two conditions are fulfilled:

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[1] *German Settlers in Poland, P.C.I.J., Series C, No. 3, Advisory Opinion No. 6*, Vols. I, III (1) and III (2), p. 24.

[2] *1932, P.C.I.J., Series A/B, No. 44*, p. 28.

[3] *1935, P.C.I.J., Series A/B, No. 64*, p. 19.

(a) the act must deserve punishment according to the fundamental idea of a penal law; and *(b)* the act must deserve punishment according to sound popular feeling.'

The Court observed that these provisions allowed prosecutor and court to prosecute and punish by analogy and that they were thus in breach of the principle '*nullum crimen, nulla poena sine lege*'. Noting that the Constitution of Danzig took as its starting-point the fundamental rights of the individual, the Court emphasized that it must be possible for the latter 'to know, beforehand, whether his acts are lawful or liable to punishment'. It therefore condemned the penal legislation in question as incompatible with the principles laid down by that Constitution[1].

For its part, the International Court of Justice has had to address a greater number and variety of issues relating to human rights.

First, the Court has had to rule on a number of occasions on the substance and scope of the United Nations Convention of 9 December 1948 on the Prevention and Punishment of the Crime of Genocide. In response to a request from the General Assembly regarding the conditions under which States might make reservations to that Convention, the Court stated in its Opinion of 28 May 1951

> 'it was the intention of the United Nations to condemn and punish genocide as "a crime under international law" involving a denial of the right of existence of entire human groups, a denial which shocks the conscience of mankind and results in great losses to humanity, and which is contrary to moral law and to the spirit and aims of the United Nations'[2].

It accordingly followed in the Court's view that 'the principles underlying the Convention are principles which are recognized by civilized nations as binding on States, even without any conventional obligation'[3].

More recently, the Court had for the second time to interpret the Genocide Convention, in proceedings brought by Bosnia and Herzegovina against Yugoslavia. In response to requests from the Sarajevo Government for the indication of provisional measures, the Court had twice indicated such measures, in Orders of 8 April and 13 September 1993[4]. Then, in a Judgment of 11 July 1996, it held that it had jurisdiction to rule on Bosnia and Herzegovina's Application. In its decision the Court held that, where the Genocide

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[1] *1935, P.C.I.J., Series A/B, No. 65*, pp. 45-57.

[2] *Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide, Advisory Opinion, I.C.J. Reports 1951*, p. 23.

[3] *Ibid.*

[4] *Application of the Convention on the Prevention and Punishment of the Crime of Genocide, Provisional Measures, Order of 8 April 1993, I.C.J. Reports 1993*, p. 3, and *ibid., Order of 13 September 1993, I.C.J. Reports 1993*, p. 325.

Convention is applicable, it is unnecessary to seek to ascertain whether or not the acts complained of were committed in the course of an armed conflict, whether domestic or international. The Court further stated that the obligations incumbent upon each State under the Convention to prevent and punish the crime of genocide are not territorially limited, although the Convention restricts jurisdiction to try the alleged perpetrators of such crimes to the courts of the State in whose territory the act was committed[1]. Finally, the Court made it clear that the Convention envisaged State responsibility not only where that State had failed in its obligations of prevention and punishment as contemplated by the text, but also where it had itself committed the crime of genocide[2]. However, in 2001 Yugoslavia submitted a request for revision of that Judgment, on which the Court will shortly have to rule before it can address the merits.

The International Court of Justice has also had occasion to rule on the rights of peoples as such. It was the Namibia cases that provided it with its first opportunity to do so. Thus in 1950 the Court held that the mandate over South-West Africa conferred on South Africa by the League of Nations had been given in the interests of the inhabitants of the territory and of humanity in general, and was an international institution having an international aim: 'a sacred trust of civilization'[3]. Then, in 1971, the Court held that South Africa had pledged itself in Namibia 'to observe and respect, in a territory having an international status, human rights and fundamental freedoms for all without distinction as to race'[4]. The Court found that the policy of *apartheid* as then applied by South Africa constituted 'a flagrant violation of the purposes and principles of the Charter', and accordingly concluded that South Africa's presence in Namibia was illegal.

That Opinion concerned only the particular case of the rights of peoples in mandated territories. Subsequently, in the *Western Sahara* case, the Court had the occasion to rule more generally on the right of peoples to self-determination under Article 1, paragraph 2, of the United Nations Charter. The Court analysed this right in light not only of the Charter, but also of 'the subsequent development of international law in regard to non-self-governing territories'[5], whose application it then clarified, concluding that the decolonization of western Sahara must be carried out in accordance with the 'principle of self-determination through the free and genuine expression of the will of the peoples of the Territory'[1].

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[1] Judgment of 11 July 1996, *I.C.J. Reports 1996*, p. 340, para. 31.

[2] *Ibid.*, para. 32.

[3] *International Status of South West Africa*, Advisory Opinion of 11 July 1950, *I.C.J. Reports 1950*, p. 131.

[4] *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)*, Advisory Opinion of 11 June 1971, *I.C.J. Reports 1971*, p. 57.

[5] *Western Sahara*, Advisory Opinion of 16 October 1975, *I.C.J. Reports 1975*, pp. 30 *et seq.*

The Court has also given a number of rulings in the field of humanitarian law.

For the first time, in the *Corfu Channel* case, the Court held that States could be bound by certain obligations not only under conventional texts but also pursuant to 'certain general and well-recognized principles, namely: elementary considerations of humanity, even more exacting in peace than in war'[2]. It accordingly found that Albania ought to have publicized the existence of a minefield in the Corfu Channel and 'warn[ed] the approaching British warships of the imminent danger to which the minefield exposed them'[3].

The elementary considerations of humanity cited in that decision would again be invoked in a number of the Court's subsequent decisions, for example its Judgment of 24 May 1980 regarding *United States Diplomatic and Consular Staff in Tehran*[4], or in relation to the mining of Nicaraguan ports by the United States[5].

In this latter case the Court further clarified its position. Thus it held that not only must the conduct of States 'be judged according to the fundamental general principles of humanitarian law'[6], but also that 'Article 3 which is common to all four Geneva Conventions of 12 August 1949 defines certain rules to be applied in the armed conflicts of a non-international character'[7]. The Court further stated that 'these rules also constitute a minimum yardstick, in addition to the more elaborate rules which are also to apply to international conflicts'[8].

Finally, in its Advisory Opinion of 8 July 1996 on the *Legality of the Use or Threat of Nuclear Weapons*, given at the request of the General Assembly, the Court carried out a lengthy analysis of the humanitarian law applicable in armed conflicts, concluding that the use of nuclear weapons would generally be contrary to that law, but that, in view of the current state of international law and of the elements of fact at its disposal, it could not conclude definitively whether the use of such weapons would be lawful in an extreme circumstance of self-defence, in which the very survival of a State would be at stake.

In all of these cases that I have cited the Court took a position on various questions concerning human rights which were put to it more or less directly. But there are also cases where the Court took a stance without being asked to do so. The most typical example of this was in the *Barcelona Traction* case, where the Court stated, without any need to do so:

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[1] *I.C.J. Reports 1975*, p. 340, para. 31.

[2] *Corfu Channel, Merits, Judgment, I.C.J. Reports 1949*, p. 22.

[3] *Ibid.*

[4] *United States Diplomatic and Consular Staff in Tehran, Judgment, I.C.J. Reports 1980*, pp. 42 and 43.

[5] *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America), Merits*, Judgment of 27 June 1986, *I.C.J. Reports 1986*, p. 112.

[6] *Ibid.*, pp. 129 and 148.

[7] *Ibid.*

[8] *Ibid.*

> '[A]n essential distinction should be drawn between the obligations of a State towards the international community as a whole, and those arising vis-à-vis another State in the field of diplomatic protection. By their very nature the former are the concern of all States. In view of the importance of the rights involved, all States can be held to have a legal interest in their protection; their obligations are *erga omnes*.'[1]

This applies for example to the 'outlawing of acts of aggression, and of genocide, as also [to obligations deriving] from the principles and rules concerning the basic rights of the human person, including protection from slavery and racial discrimination'[2]. The right of peoples to self-determination is likewise a right opposable *erga omnes*, as the Court held in the *East Timor* case[3].

Finally, in 2001, in the *LaGrand* case between Germany and the United States the Court had occasion to rule on the precise scope of Article 36 of the Vienna Convention of 24 April 1963 on Consular Relations. It recalled that, under subparagraph 1 *(b)* of that Article, the receiving State must, where a detained person so requests, inform the consular post of the sending State of such detention 'without delay'. This subparagraph further provides that any communication addressed to the consular post by the detainee shall be forwarded by the authorities of the receiving State 'without delay'. Finally, those authorities 'shall inform the person concerned without delay of his rights under this subparagraph'. However the detained person is entitled expressly to oppose consular assistance by the sending State.

The Court held that these provisions of Article 36, paragraph 1, create not only rights on the part of the sending State but also 'individual rights' for the detainee. It reached the same conclusion in regard to Article 36, paragraph 2, of the Convention.

In the proceedings before it, the Court found that the LaGrand brothers had not been informed after their arrest of their rights under the Convention on Consular Relations. The Court further found that, after becoming aware of that violation, they had been unable to have their conviction reconsidered or reviewed. The Court accordingly concluded that the United States had breached its obligations to the Federal Republic of Germany and to the LaGrand brothers[1].

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[1] *Barcelona Traction, Light and Power Company, Limited*, Judgment of 5 February 1970, *I.C.J. Reports 1970*, p. 32, para. 33.

[2] *Ibid.*, p. 33, para. 34.

[3] *East Timor (Portugal* v. *Australia)*, Judgment of 30 June 1995, *I.C.J. Reports 1995*, p. 102.

In sum, the jurisprudence of the International Court of Justice, like that of its predecessor the Permanent Court, has made a substantial contribution to the progress of human rights in the course of the twentieth century. Thus the positions taken by the Court in regard to the scope of reservations to the Genocide Convention influenced the drafting of Articles 19 *et seq.* of the Vienna Convention on the Law of Treaties of 23 May 1969. The Court's Opinions on *apartheid* in the Namibia cases, or on the right of peoples to self-determination in the *Western Sahara* case, have finally been universally accepted. The concept of an obligation *'erga omnes'* formulated in the *Barcelona Traction* Judgment is now part of positive law. It is today largely accepted that the common Article 3 of the four Geneva Conventions lays down elementary rules of humanity applicable in all armed conflicts, whoever the protagonists.

In short, the Court, by characterizing certain conventional obligations as customary ones and then treating such obligations as obligations *erga omnes*, has sought to impose on all States minimum norms deriving from the elementary considerations of humanity already invoked by it in the *Corfu Channel* case. It has thus given those considerations a specific content. In so doing, it has laid the foundations for a universal customary law which, without challenging conventional law, is binding on all.

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This analysis shows how progress in the law can be secured in a specific domain by the application within that field of more general concepts. This has been strikingly demonstrated in the case of human rights, but a start can also be made in a more recent area of the law, environmental law.

The principles laid down by the Court in the *Corfu Channel* case – a case which I have already cited – were applicable not just in the field of human rights. Already, in 1949, the Court was able to infer from them 'every State's obligation not to allow knowingly its territory to be used for acts contrary to the rights of other States'[2], an obligation which would acquire particular relevance in environmental matters.

The same goes for the Court's *obiter dictum* in 1970 in the *Barcelona Traction* case – another case to which I have already referred – inasmuch as certain obligations regarding the preservation of the environment would probably constitute 'obligations of States towards the international community as a whole'.

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[1] *LaGrand (Germany* v. *United States of America)*, Judgment of 27 June 2001, *I.C.J. Reports 2001*, pp. 494 and 514, paras. 77, 78 and 128.

[2] *Corfu Channel, Merits*, Judgment of 9 April 1949, *I.C.J. Reports 1949*, p. 22.

Having thus formulated some very promising concepts, the Court has more recently had the opportunity to develop its position in detail.

As I have already said, in 1996, in response to a request for an advisory opinion from the United Nations General Assembly, the Court addressed the issue of the legality of the threat or use of nuclear weapons. In their written statements certain States had argued that such threat or use must be regarded as illegal in view of the limits imposed by current norms in regard to the safeguard and protection of the environment. Noting that such norms did not specifically prohibit the use of nuclear weapons, the Court nonetheless stressed that current international law places particular emphasis on important considerations of an ecological nature which are relevant to issues involving the law governing armed conflicts or to a consideration of the legality of self-defence. In this regard the Court stated *inter alia*:

> 'the environment is not an abstraction but represents the living space, the quality of life and the very health of human beings, including generations unborn. The existence of the general obligation of States to ensure that activities within their jurisdiction and control respect the environment of other States or of areas beyond national control is now part of the corpus of international law relating to the environment.'[1]

Barely a year later the Court had occasion to refer to this statement in the context of a dispute between Hungary and Slovakia, reiterating 'the great significance that it attaches to respect for the environment, not only for States but also for the whole of mankind'[2]. The Court further noted the emergence of new norms in environmental law which the parties could agree to take into account in applying the Treaty relating to the Gabčikovo-Nagymaros Project. In this regard the Court made the following general statement:

> '[I]n the field of environmental protection, vigilance and prevention are required on account of the often irreversible character of damage to the environment and of the limitations inherent in the very mechanism of reparation of this type of damage.
>
> Throughout the ages, mankind has, for economic and other reasons, constantly interfered with nature. In the past, this was often done without consideration of the effects upon the environment. Owing to new scientific insights and to a growing awareness

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[1] *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion of 8 July 1996, *I.C.J. Reports 1996*, pp. 241-242, para. 29.

[2] *Gabčikovo-Nagymaros Project (Hungary/Slovakia)*, Judgment of 25 September 1997, *I.C.J. Reports 1997*, p. 41, para. 53.

of the risks for mankind – for present and future generations – of pursuit of such interventions at an unconsidered and unabated pace, new norms and standards have been developed, set forth in a great number of instruments during the last two decades. Such new norms have to be taken into consideration, and such new standards given proper weight, not only when States contemplate new activities but also when continuing with activities begun in the past. This need to reconcile economic development with protection of the environment is aptly expressed in the concept of sustainable development.'[1]

Mr. President, Ladies and Gentlemen,

Law and justice have made immense progress over the century which has just ended. New branches of international law have sprung up and there has been a proliferation of specialized international courts. These developments correspond to those in society as a whole and in international relations. In this new scenario the International Court of Justice, principal judicial organ of the United Nations, retains an essential role. It alone can address all areas of the law and accord them their proper place within an overall scheme. Its jurisprudence in the fields of human rights and environmental law seems to me to show that it has so far achieved this. You may rest assured that it will pursue its efforts in this regard with the renewed confidence of States.

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[1] *I.C.J. Reports 1997*, p. 78, para. 140."

CHAPTER VII

PUBLICATIONS OF THE COURT

The publications of the International Court of Justice are published by the Registry (Rules of Court, Art. 26, para. 1 *(i)*, and Art. 71, para. 6; Instructions for the Registry, Arts. 23, 43, 67-69 and 72).

Information about the publications of the present Court and those of its forerunner, the *Permanent Court of International Justice*, is given below[1].

I. GENERAL

1. Series Published by the International Court of Justice

The publications of the Court are at present classified in series as shown hereunder. Their size is 15.6 × 24 cm when they are published in paper covers and 16 × 24.5 cm when published in hard covers.

(a) *Reports of Judgments, Advisory Opinions and Orders*

This series contains the Reports of the decisions of the Court in both the English and the French texts. Each decision is published as soon as given, in an unbound fascicle which is sold separately[2]. To allow for binding, a continuous system of pagination is adopted for all the fascicles of any one year.

An analytical index is published for each year's decisions; this also may be purchased separately. A binder is available for those who obtain the separate fascicles and the index at the time of their publication. The collected decisions, with index, for each year may also be obtained ready bound together in one or two volumes.

Fifty-six bound volumes have so far been published, the first being the *I.C.J. Reports* for the years 1947 and 1948, which are collected in a single volume. The latest is the volume for 2001. (The *I.C.J. Reports 1965, 1967, 1968, 1977, 1979* and *1983* are not indexed.)

Official citation of the series: *I.C.J. Reports*, with an indication of the year. For a separate fascicle the short title of the case and the nature of the decision should be given, e.g.: *Nottebohm, Preliminary Objection, Judgment, I.C.J. Reports 1953*, p. 111; or *Nottebohm, Order of 15 January 1954, I.C.J. Reports 1954*, p. 7. (See Sec. II, pp. 352-365, below.)

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[1] The documents prepared and distributed by the Registry for information purposes are dealt with in Chapter V, above: see pp. 202-203.

[2] See Chap. V, p. 209, above.

(b) *Pleadings, Oral Arguments, Documents*

Volumes in this series are published after the termination of each case and contain the documentation relating to the case in the original language, that is, in English or in French.

This comprises the document instituting proceedings[1], the written pleadings and their annexes[2], the verbatim record of the oral proceedings[3], any documents submitted to the Court after the closure of the written proceedings, and the correspondence. The Court however decided in 1967 that the annexes to the pleadings would no longer be printed in cases which had been removed from the General List either because the application instituting proceedings disclosed that the other side had not accepted the jurisdiction of the Court or because there had been a settlement or a discontinuance of the case.

Depending upon the length of the documents to be printed, one or more volumes are issued for each case. The volumes which appeared up to 31 December 1964 are sold in hard covers whereas subsequent volumes are in paper covers.

Abbreviated reference: *I.C.J. Pleadings*, with the short title of the case, e.g.: *I.C.J. Pleadings, Nottebohm*, Vol. I. (See Sec. III, pp. 370-378, below.)

(c) *Acts and Documents concerning the Organization of the Court*

Five volumes have appeared in this bilingual (English/French) series. *No. 1* is now out of print.

No. 2 contained, in paper covers, the text of the Rules of Court as amended in 1972.

No. 3 contained the texts of the Charter of the United Nations, the Statute and Rules of Court and the Resolution concerning the Internal Judicial Practice of the Court, together with certain documents relating to the Court's privileges and immunities. It was published in 1977, in paper covers.

No. 4 contained the same documents as *No. 3* but with the text of the 1978 revised Rules of Court replacing that of the 1972 amended Rules; it further included certain resolutions concerning States entitled to appear before the Court. It was published in July 1978, in paper covers.

No. 5 contains the same documents as *No. 4*, with some corrections and an additional resolution concerning a State entitled to appear before the Court. It was published in July 1990, the stock of *No. 4* having been exhausted, and is available in paper covers.

Abbreviated reference: *I.C.J. Acts and Documents*, with an indication of the number of the volume.

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[1] See Chap. V, pp. 205 and 215, above.

[2] *Ibid.*, pp. 206-207, above.

[3] *Ibid.*, pp. 207-209, above.

(d) *Yearbook*

Each year there appears a *Yearbook* in which an account is given of the work of the Court during the period from 1 August of the preceding year to 31 July of the current year. There is also a French edition of this publication, the *Annuaire*.

The present *Yearbook* is the fifty-seventh in the series, which started with *I.C.J. Yearbook 1946-1947*. Like the 38 preceding issues, it is sold in paper covers whereas the first 18 volumes were sold in hard covers.

Abbreviated reference: *I.C.J. Yearbook*, with an indication of the year covered by the volume, e.g.: *I.C.J. Yearbook 1954-1955*.

(e) *Bibliography of the International Court of Justice*

Early each year the Registry issues a *Bibliography* listing such works and documents relating to the Court as have come to its attention during the previous year.

Bibliographies Nos. 1-18 formed Chapter IX in the appropriate *Yearbook* or *Annuaire* up to the 1963-1964 editions. Beginning with No. 19, later *Bibliographies* were issued as separate fascicles with introduction and index in both English and French, but arranged so as to facilitate the binding of several numbers together. The latest *I.C.J. Bibliography* published is No. 52 (year 1998).

Abbreviated reference: *I.C.J. Bibliography*, with the serial number of the volume, followed, if desired, by the entry number of the work cited. E.g.: *I.C.J. Bibliography No. 7:* 2528 for the *Bibliographies* prior to No. 35, and *I.C.J. Bibliography No. 35:* 81: 150 as from 1981.

2. *Dissemination of the Publications of the International Court of Justice*

The publications of the Court are distributed free on request and as required to the governments or public services of all States entitled to appear before the Court.

They may be consulted in major law libraries, including many university libraries, certain depository libraries for United Nations publications, and libraries aided by the United Nations programme of assistance in the teaching, study, dissemination and wider appreciation of international law.

They are sold by the Sales and Marketing Sections of the United Nations Secretariat:

United Nations, Room DC2-853, 2 United Nations Plaza,
New York, NY 10017, United States of America.
Tel.: 1-212-963 8302; Fax: 1-212-963 3489
E-mail: publications@un.org
or
United Nations, Room E-6, Palais des Nations,
8-14 avenue de la Paix, 1211 Geneva 10, Switzerland.
Tel.: 41-22-917 2614; Fax: 41-22-917 0027
E-mail: unpubli@unog.ch

They may also be obtained from any bookseller selling United Nations publications. *Orders and requests for information should be sent to these addresses and not to the Registry.*

A *Catalogue* is issued in English and French. It lists the sales number of each publication and its price in US dollars. It is brought up to date each year, by means either of an addendum or of a new edition. A free copy of the *Catalogue* may be obtained by applying to one of the Sales Sections of the United Nations or to the Registry.

3. Publications of the Permanent Court of International Justice

Between 1922 and 1946 the *Permanent Court of International Justice* published the following series:

Series A (Nos. 1-24): *Collection of Judgments* (up to and including 1930)
Series B (Nos. 1-18): *Collection of Advisory Opinions* (up to and including 1930)
Series A/B (Nos. 40-80): *Judgments, Orders and Advisory Opinions* (beginning in 1931)
Series C (Nos. 1-19): *Acts and Documents relating to Judgments and Advisory Opinions given by the Court* (up to and including 1930)
Series C (Nos. 52-88): *Pleadings, Oral Statements and Documents* (beginning in 1931)
Series D (Nos. 1-6): *Acts and Documents concerning the Organization of the Court*
Series E (Nos. 1-16): *Annual Reports*
Series F (Nos. 1-4): *General Indexes*

They may be consulted in certain university and other libraries with a substantial legal section.

II. OFFICIAL CITATION OF JUDGMENTS, ADVISORY OPINIONS AND ORDERS

In order to standardize the mode of citation of the decisions of the International Court of Justice and the *Permanent Court of International Justice*, the Court decided to use the titles below, which are listed in chronological order. Orders solely fixing or extending time-limits are omitted.

1. Permanent Court of International Justice

1922

Designation of the Workers' Delegate for the Netherlands at the Third Session of the International Labour Conference, Advisory Opinion, 1922, P.C.I.J., Series B, No. 1.

Competence of the ILO in Regard to International Regulation of the Conditions of Labour of Persons Employed in Agriculture, Advisory Opinion, 1922, P.C.I.J., Series B, No. 2.

Competence of the ILO to Examine Proposals for the Organization and Development of the Methods of Agricultural Production, Advisory Opinion, 1922, P.C.I.J., Series B, No. 3.

1923

Nationality Decrees Issued in Tunis and Morocco, Advisory Opinion, 1923, P.C.I.J., Series B, No. 4.

Status of Eastern Carelia, Advisory Opinion, 1923, P.C.I.J., Series B, No. 5.

S.S. "Wimbledon", Judgments, 1923, P.C.I.J., Series A, No. 1.

German Settlers in Poland, Advisory Opinion, 1923, P.C.I.J., Series B, No. 6.

Acquisition of Polish Nationality, Advisory Opinion, 1923, P.C.I.J., Series B, No. 7.

Jaworzina, Advisory Opinion, 1923, P.C.I.J., Series B, No. 8.

1924

Mavrommatis Palestine Concessions, Judgment No. 2, 1924, P.C.I.J., Series A, No. 2.

Monastery of Saint-Naoum, Advisory Opinion, 1924, P.C.I.J., Series B, No. 9.

Treaty of Neuilly, Article 179, Annex, Paragraph 4 (Interpretation), Judgment No. 3, 1924, P.C.I.J., Series A, No. 3.

1925

Exchange of Greek and Turkish Populations, Advisory Opinion, 1925, P.C.I.J., Series B, No. 10.

Interpretation of Judgment No. 3, Judgment No. 4, 1925, P.C.I.J., Series A, No. 4.

Mavrommatis Jerusalem Concessions, Judgment No. 5, 1925, P.C.I.J., Series A, No. 5.

Polish Postal Service in Danzig, Advisory Opinion, 1925, P.C.I.J., Series B, No. 11.

Certain German Interests in Polish Upper Silesia, Jurisdiction, Judgment No. 6, 1925, P.C.I.J., Series A, No. 6.

Interpretation of Article 3, Paragraph 2, of the Treaty of Lausanne, Advisory Opinion, 1925, P.C.I.J., Series B, No. 12.

1926

Certain German Interests in Polish Upper Silesia, Merits, Judgment No. 7, 1926, P.C.I.J., Series A, No. 7.

Competence of the ILO to Regulate Incidentally the Personal Work of the Employer, Advisory Opinion, 1926, P.C.I.J., Series B, No. 13.

1927

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III. ABBREVIATED REFERENCES TO PLEADINGS, ORAL ARGUMENTS, DOCUMENTS

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For the convenience of the reader, the names of the Parties in contentious cases (separated by a stroke if proceedings were instituted by means of a special agreement), or the name of the body which requested the advisory opinion, have been added in small type to the abbreviated references.

An asterisk indicates that a case was removed from the list before a final judgment or an advisory opinion was given, or if it failed for some other reason to reach its normal conclusion.

Note should be taken of the fact that, with regard to the International Court of Justice, the information given below refers only to the volumes of the *Pleadings, Oral Arguments, Documents* series, which are published only after the conclusion of a case. As mentioned above (p. 203), written pleadings (if accessible to the public) and oral pleadings in pending cases will, generally, be available on the Court's website, since its launch in 1997.

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[1] In this case, annexes to written pleadings, and documents submitted after the closure of the written proceedings, were not reproduced. Sets of these texts were, however, deposited in a number of public libraries, a list of which is given in the introductory pages of Volume X.

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CHAPTER VIII

FINANCES OF THE COURT

I. FINANCIAL REGULATIONS

In regard to financial matters, the International Court of Justice applies Articles 32, 33, 35 and 64 of the Statute of the Court, Article 26, paragraph 1 *(j)*, of the Rules of Court, the Staff Regulations for the Registry and the relevant resolutions of the General Assembly of the United Nations.

1. General Regulations

(a) *Method of covering expenditure*

Article 33 of the Statute of the Court provides: "The expenses of the Court shall be borne by the United Nations in such a manner as shall be decided by the General Assembly." As the budget of the Court has consequently been incorporated in the budget of the United Nations, member States participate in the expenses of both in the same proportion, in accordance with the scale of assessments determined by the General Assembly.

States which are not members of the United Nations but which are parties to the Statute pay, in accordance with the undertaking into which they entered when they became parties to the Statute (see Chap. III, pp. 112-113, above), a contribution the amount of which is fixed from time to time by the General Assembly in consultation with them. By its resolution 55/5 B, of 23 December 2000, the General Assembly fixed for the years 2001, 2002 and 2003 the following proportion: Switzerland 1.274%. By its resolution 57/4 of 20 December 2002, the General Assembly decided that the rate of assessment for Switzerland, admitted to membership of the United Nations on 10 September 2002, should be 1.274% for the years 2002 and 2003 and that for the year 2003 the rate of assessment for Switzerland should be added to the scale of assessments established by the General Assembly in its resolution 55/5 B.

If a State which is not a party to the Statute but to which the Court is open is a party to a case, the Court will fix the amount which that party is to contribute towards the expenses of the Court (Statute, Art. 35, para. 3). Payment is then made by the State concerned to the account of the United Nations in New York.

The contributions of States which are not members of the United Nations are taken into account as miscellaneous income received by the Organization.

Under an established rule, sums derived from staff assessment, sales of publications (dealt with by the Sales Sections of the Secretariat – see Chap. VII, p. 346, above), bank interest, etc., are also recorded as United Nations income.

(b) *Drafting of the budget*

In accordance with the Instructions for the Registry (Arts. 26-30), a preliminary draft budget is prepared by the Registrar. If the Court is sitting, this preliminary draft is submitted for the consideration of the Budgetary and Administrative Committee of the Court and then, for approval, to the Court itself. If the Court is not sitting, approval must be given by the President.

When it has been approved, the draft budget is forwarded to the Secretariat of the United Nations for incorporation in the draft budget of the United Nations. It is then examined by the United Nations Advisory Committee on Administrative and Budgetary Questions and is afterwards submitted to the Fifth Committee of the General Assembly. It is finally adopted by the General Assembly in plenary meeting, within the framework of the resolutions concerning the budget of the United Nations and its unforeseen and extraordinary expenses.

Since 1974 the budget has been presented biennially.

(c) *Financing of appropriations and accounts*

The Registrar is responsible for executing the budget, with the assistance of the Finance Officer. He has to ensure that proper use is made of the funds voted and must see that no expenses are incurred that are not provided for in the budget (Instructions for the Registry, Art. 31). He alone is entitled to incur liabilities in the name of the Court, subject to any possible delegations of authority (Instructions for the Registry, Art. 35).

The accounts of the Court are audited every year by the auditors of the Secretariat of the United Nations and/or by the Board of Auditors appointed by the General Assembly. At the end of each biennium, the closed accounts are forwarded to the Secretariat of the United Nations (Instructions for the Registry, Art. 34).

2. *Salaries and Expenses of Judges*

(a) *Emoluments*

By virtue of Article 32, paragraph 5, of the Statute, the salaries, allowances and compensation paid to the judges are fixed by the General

Assembly. In this connection, the General Assembly adopted resolution 19 (I) of 6 February 1946, resolution 85 (I) of 11 December 1946, resolution 474 (V) of 15 December 1950, resolution 1738 (XVI) of 20 December 1961, resolution 2366 (XXII) of 19 December 1967, resolution 2890 B (XXVI) of 22 December 1971, resolution 3193 B (XXVIII) of 18 December 1973, resolution 3537 B (XXX) of 17 December 1975, resolution 31/204 of 22 December 1976, resolution 35/220 A of 17 December 1980, resolution 40/257 of 18 December 1985, resolution 43/217 of 21 December 1988, resolution 45/250 of 21 December 1990, resolution 48/252 of 26 May 1994, resolution 50/216 of 23 December 1995, resolution 53/214 of 18 December 1998 and resolution 56/285 of 27 June 2002.

The emoluments of Members of the Court are made up of an annual salary which may not be decreased during the period of office (Statute of the Court, Art. 32, paras. 1 and 5). With effect from 1 January 1999, the General Assembly (resolution 53/214) has fixed the emoluments of Members of the Court at US$160,000. The General Assembly further decided that the emoluments and other conditions of service shall be reviewed every three years with the next review at its fifty-ninth session.

Under Article 32, paragraphs 2 and 3, of the Statute, the President of the Court and the Vice-President (for every day on which he acts as President) receive special allowances in addition, at a rate fixed by resolution 40/257 of 18 December 1985.

Finally, under Article 32, paragraph 4, of the Statute and General Assembly resolution 19 (I) of 6 February 1946, judges *ad hoc* chosen to sit in certain cases under Article 31 of the Statute receive daily fees. With effect from 1 January 1999, the daily fee of *ad hoc* judges has been fixed at US$438, being 1/365th of US$160,000.

The emoluments of the judges are thus as set out on the following scale:

	US$
President:	
Annual salary	160,000
Special allowance	15,000
Vice-President:	
Annual salary	160,000
Allowance equivalent to US$94 for every day on which he acts as President, up to an annual maximum of . .	9,400
Other Members:	
Annual salary	160,000
Judges ad hoc:	
Fee of US$438 for each day on which they exercise their functions.	

(b) *Pensions*

Article 32, paragraph 7, of the Statute provides: "Regulations made by the General Assembly shall fix the conditions under which retirement pensions may be given to Members of the Court." The General Assembly adopted the Pension Scheme Regulations for Members of the International Court of Justice which appear as an annex to resolution 86 (I) of 11 December 1946. Amendments to these regulations were made by resolution 1408 (XIV) of 1 December 1959. The General Assembly adopted new regulations by its resolution 1562 (XV) of 18 December 1960. Some provisions of the regulations were modified by resolution 1925 (XVIII) of 11 December 1963, resolution 2367 (XXII) of 19 December 1967, resolution 2890 A (XXVI) of 22 December 1971, resolution 3193 A (XXVIII) of 18 December 1973, resolution 3537 A (XXX) of 17 December 1975, resolution 35/220 B of 17 December 1980. The General Assembly effected further modifications by resolution 38/239 of 20 December 1983, resolution 40/257 of 18 December 1985, resolution 45/250 of 21 December 1990 and resolution 53/214 of 18 December 1998.

According to the regulations which came into operation on 1 January 1984, any Member of the Court who has ceased to hold office and who has reached the age of 60 years is entitled, if he has completed at least three years of service, to a retirement pension during the remainder of his life.

With effect from 1 January 1999 (resolution 53/214), if a Member of the Court has served a full term of nine years, the amount of the annual pension shall be US$60,000 in 1999, US$70,000 in 2000 and thereafter one-half of the annual salary. Members of the Court who were in office or elected on or before 1 January 1999, and who have served for more than nine years shall be entitled to a maximum pension of two-thirds of his or her annual salary. The retirement pension is reduced if he or she has served for less than nine years.

Furthermore, a Member of the Court who ceases to hold office before the age of 60 and who would be entitled to a retirement pension when he reached that age, may elect to receive a pension from any date after the date on which he ceases to hold office. The amount of such pension would be that amount which has the same actuarial value as the pension which would have been paid to him at the age of 60.

Provision is made also for disability pensions and pensions for widows and children.

By its resolution 31/204 of 22 December 1976, the General Assembly decided that the retirement pensions given to Members of the Court should be reviewed concurrently with the periodic revision of their annual salary. By its resolution 53/214 of 18 December 1998, the General Assembly decided that pensions in payment shall be automatically revised by the same percentage and at the same date as salary adjustments.

(c) *Conditions of service*

In Section C of resolution 40/257 of 18 December 1985, the General Assembly laid down certain conditions of service applicable to Members of the Court. The text of the relevant portion of this resolution is as follows:

"*The General Assembly*,

Recalling its resolutions 37/237, section XIV, of 21 December 1982, 38/234, section XVII, of 20 December 1983, and 39/236, section V, of 18 December 1984, on conditions of service and compensation for officials other than Secretariat officials,

Having considered the report of the Secretary-General and the related report of the Advisory Committee on Administrative and Budgetary Questions,

1. *Decides* that, with effect from 1 January 1986, the President and members of the Court who have taken up primary residence in The Hague, shall be reimbursed, up to a ceiling of $4,500, for the actual cost of educating their children in respect of each child each year up to the award of the first recognized degree and that provision shall be made for one related travel per year in respect of each child from the place of scholastic attendance, when outside the Netherlands, to The Hague;

2. *Decides* that, with effect from 1 January 1986, those members of the Court, who have taken up and maintained a *bona fide* primary residence at The Hague for at least five continuous years during service with the Court, shall be eligible to receive a lump sum equivalent to eighteen weeks of annual net base salary upon completion of their appointment and resettlement outside the Netherlands, and that those members of the Court, who have taken up and maintained a *bona fide* primary residence at The Hague for nine continuous years or more during service with the Court, shall receive the equivalent of twenty-four weeks of annual net base salary upon completion of service and relocation outside the Netherlands;

3. *Decides* that, with effect from 1 January 1986, in the event of the death of a member of the Court during his service, compensation shall be provided to the survivors in the form of a lump-sum payment equivalent to one month of base salary per year of service, subject to a minimum of three months and a maximum of nine months."

With effect from 1 January 2001, the ceiling for reimbursement for the actual cost of education, referred to in paragraph 1 of the above resolution, was fixed at US$17,584.

(d) *Travelling expenses*

By virtue of Article 32, paragraph 7, of the Statute, regulations made by the General Assembly fix the conditions under which Members of the Court have their travelling expenses refunded. The General Assembly adopted the Travel and Subsistence Regulations of the International Court of Justice which appear in the annex to resolution 85 (I) of 11 December 1946. On 21 December 1982, by resolution 37/240, it adopted new Travel and Subsistence Regulations of the International Court of Justice (set out in *I.C.J. Yearbook 1982-1983*, pp. 164-167).

3. *Salaries, Allowances and Expenses of the Registrar and Officials of the Registry*

(a) *Emoluments*

By virtue of Article 32, paragraph 6, of the Statute, the salary of the Registrar is fixed by the General Assembly on the proposal of the Court. By resolution 85 (I) of 11 December 1946 confirmed by resolution 474 (V) of 15 December 1950, the General Assembly decided that "the annual salary of the Registrar of the International Court of Justice shall be assimilated to that of a top-ranking director of the Secretariat of the United Nations". In the existing structure, the Registrar has the rank of an Assistant Secretary-General and the Deputy-Registrar that of a Director.

Officials of the Registry in the professional category, both permanent and temporary, receive the same salary and the same allowances as officials of the United Nations belonging to the same category.

For the purposes of the schedule of post adjustments applicable to the permanent staff of the professional category, The Hague was in Class 6/+1.6 as at 1 July 2003. For temporary staff the subsistence allowance is fixed at 237 euros a day.

Salaries and allowances of permanent and temporary staff members in the general service category are based on the best prevailing local rates.

The figures given in the budget estimates and accounts in respect of salaries are net figures, after deduction of staff assessment.

(b) *Pensions*

By virtue of Article 12 of the Staff Regulations for the Registry, the Registrar and the officials of the Registry are participants in the United Nations Joint Staff Pension Fund. They participate on the same conditions as all other officials of the United Nations.

(c) *Travelling expenses*

Under Article 5 of the regulations concerning the travel and subsistence allowances of the Members of the International Court of Justice, dated 21 December 1982 (*I.C.J. Yearbook 1982-1983*, p. 167), the travel and subsistence provisions applicable to the Registrar of the Court are as set out in the Staff Regulations of the United Nations for officials of comparable rank, subject to any exceptions authorized by the President of the Court.

The travelling expenses of officials of the Registry are paid under conditions similar to those applied in the Secretariat of the United Nations (Staff Regulations for the Registry, Art. 12).

4. *Common Services*

The common services of the Court and of the Registry and the capital expenditure of the Court come under special items in the budget.

In particular, the Court pays to the Carnegie Foundation an annual contribution for the premises it occupies at the Peace Palace and in the new wing (see Chap. V, p. 193, above). The amount of the contribution was first fixed by the General Assembly in resolution 84 (I) of 11 December 1946 and has subsequently undergone successive alterations. It was increased to 941,875 euros as from 1 January 2002 and to 974,841 euros as from 1 January 2003.

II. Budget for the Biennium 2002-2003

1. Ordinary Expenses

The Budget of the Court for the biennium 2002-2003, which forms Part III, Section 7, of the Budget of the United Nations, was adopted by the General Assembly on 24 December 2001 (resolution 56/254).

Programme UN-N-08-181. Members of the Court	US$	US$
Salaries and allowances	4,849,400	
Pensions	2,536,600	
Travelling expenses	406,400	
Education grants	129,600	
		7,922,000
Programme UN-N-08-182. The Registry		
Salaries – established posts	6,211,900	
Salaries – temporary posts	1,421,700	
Common staff costs	2,624,700	
Salaries and travel costs of temporary assistance	1,959,500	
Consultants	22,200	
Travelling on official business	40,600	
Overtime	89,700	
Representation allowance	7,200	
Hospitality	13,400	
		12,390,900
Programme UN-N-08-800. Common Services		
Contribution to the Carnegie Foundation	1,600,600	
General operating expenses	429,600	
Contractual printing	446,400	
Contracts – external translation	182,900	
Data processing services	179,400	
Supplies and materials	205,600	
Library	96,800	
Furniture and equipment	147,000	
Miscellaneous expenses	16,100	
Acquisition/replacement office automation equipment	199,500	
Transportation equipment	20,500	
		3,524,400
		23,837,300

2. Unforeseen and Extraordinary Expenses

On 24 December 2001 the General Assembly, in accordance with previous practice, adopted resolution 56/256, containing the following provisions:

"*The General Assembly*

1. *Authorizes* the Secretary-General, with the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions and subject to the Financial Regulations of the United Nations and the provisions of paragraph 3 below, to enter into commitments in the biennium 2002-2003 to meet unforeseen and extraordinary expenses arising either during or subsequent to that biennium, provided that the concurrence of the Advisory Committee shall not be necessary for:

. . . .

(*b*) Such commitments as the President of the International Court of Justice certifies relate to expenses occasioned by:

(i) The designation of *ad hoc* judges (Statute of the International Court of Justice, Article 31), not exceeding a total of $330,000;

(ii) The appointment of assessors (Statute, Article 30), or the calling of witnesses and the appointment of experts (Statute, Article 50), not exceeding a total of $50,000;

(iii) The maintenance in office for completion of the cases of judges who have not been re-elected (Statute, Article 13, paragraph 3), not exceeding a total of $40,000;

(iv) The payment of pensions and travel and removal expenses of retiring judges, and travel and removal expenses and installation grant of members of the Court (Statute, Article 32, paragraph 7) not exceeding a total of $410,000;

(v) The holding of sessions of the Court away from The Hague (Statute, Article 22), not exceeding a total of $25,000."

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